

Berry Petroleum Company

Brundage Canyon Field

1614 South 2000 West
Rt. 3 Box 3020
Roosevelt, UT 84066

Ph. (435) 722-1325

Fax: (435) 722-1321

www.bry.com

October 14, 2004

State Of Utah
Division of Oil, Gas & Mining
1594 W. North Temple,
Suite 1210 Box 145801
Salt Lake City, Utah 84114-5801

Re: Application for Permit to Drill

Attached please find one (1) original copy of an *Application for Permit to Drill* on the following locations:

UTE TRIBAL 13-31-54

UTE TRIBAL 9-17-54

MOON TRIBAL 1-11-54 ✓

A copy of the **MOON TRIBAL 1-11-54** was delivered to Dennis Ingram in your Roosevelt, Utah office.

Thank you,

Debbie L. Wisener
Production & Regulatory Technician

cc: Bureau of Indian Affairs
Ute Indian Tribe
Bureau of Land Management

RECEIVED

OCT 18 2004

DIV. OF OIL, GAS & MINING

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

FORM 3

AMENDED REPORT ☐
(highlight changes)

001

APPLICATION FOR PERMIT TO DRILL				5. MINERAL LEASE NO: 14-20-H62-4778 (E&D)	6. SURFACE: FEE
1A. TYPE OF WORK: DRILL <input checked="" type="checkbox"/> REENTER <input type="checkbox"/> DEEPEN <input type="checkbox"/>				7. IF INDIAN, ALLOTTEE OR TRIBE NAME: UTE (MINERALS)	
B. TYPE OF WELL: OIL <input checked="" type="checkbox"/> GAS <input type="checkbox"/> OTHER _____ SINGLE ZONE <input checked="" type="checkbox"/> MULTIPLE ZONE <input type="checkbox"/>				8. UNIT or CA AGREEMENT NAME:	
2. NAME OF OPERATOR: BERRY PETROLEUM COMPANY				9. WELL NAME and NUMBER: MOON TRIBAL 2-11-54	
3. ADDRESS OF OPERATOR: RT. 3 BOX 3020 CITY ROOSEVELT STATE UTAH ZIP 84066			PHONE NUMBER: (435)722-1325		10. FIELD AND POOL, OR WILDCAT: Brundage WILDCAT Canyon 12
4. LOCATION OF WELL (FOOTAGES) AT SURFACE: 528' FNL, 1394' FEL 559839X 40.06688 NAD 27 4435206Y -110.29831 40.066756 LAT 110.298164 LONG AT PROPOSED PRODUCING ZONE: SAME AS ABOVE				11. QTR/QTR, SECTION, TOWNSHIP, RANGE, MERIDIAN: (NW/NE) SEC. 11, T.5S., R.4W. U.S.B. & M.	
14. DISTANCE IN MILES AND DIRECTION FROM NEAREST TOWN OR POST OFFICE: 28.9 MILES FROM MYTON, UTAH				12. COUNTY: DUCHESENE	13. STATE: UTAH
15. DISTANCE TO NEAREST PROPERTY OR LEASE LINE (FEET) 528'		16. NUMBER OF ACRES IN LEASE: 640		17. NUMBER OF ACRES ASSIGNED TO THIS WELL: 40	
18. DISTANCE TO NEAREST WELL (DRILLING, COMPLETED, OR APPLIED FOR) ON THIS LEASE (FEET) N/A		19. PROPOSED DEPTH: 6240'		20. BOND DESCRIPTION: RLB0005651	
21. ELEVATIONS (SHOW WHETHER DF, RT, GR, ETC.): 6103' GR		22. APPROXIMATE DATE WORK WILL START: REFER TO BPC SOP PLAN		23. ESTIMATED DURATION: REFER TO BPC SOP PLAN	
24. PROPOSED CASING AND CEMENTING PROGRAM					
SIZE OF HOLE	CASING SIZE, GRADE, AND WEIGHT PER FOOT	SETTING DEPTH	CEMENT TYPE, QUANTITY, YIELD, AND SLURRY WEIGHT		
REFER TO BERRY PETROLEUM COMPANY SOP'S DRILLING PROGRAM/CASING DESIGN					

OPERATOR REQUESTS PERMISSION TO DRILL THE SUBJECT WELL. PLEASE SEE THE ATTACHED CONDITIONS FOR APPROVAL.

IF YOU REQUIRE ADDITIONAL INFORMATION PLEASE CONTACT:

EDDY COURTRIGHT

1614 SOUTH 2000 WEST

OFFICE: (435)722-1325

CELLULAR: (435)823-1862

RT. 3 BOX 3020

ROOSEVELT, UTAH 84066

25. ATTACHMENTS	
VERIFY THE FOLLOWING ARE ATTACHED IN ACCORDANCE WITH THE UTAH OIL AND GAS CONSERVATION GENERAL RULES:	
<input checked="" type="checkbox"/> WELL PLAT OR MAP PREPARED BY LICENSED SURVEYOR OR ENGINEER	<input checked="" type="checkbox"/> COMPLETE DRILLING PLAN (BPC SOP ON FILE WITH STATE)
<input checked="" type="checkbox"/> EVIDENCE OF DIVISION OF WATER RIGHTS APPROVAL FOR USE OF WATER	<input type="checkbox"/> FORM 5, IF OPERATOR IS PERSON OR COMPANY OTHER THAN THE LEASE OWNER

NAME (PLEASE PRINT) DEBBIE L. WISENER TITLE PRODUCTION & REGULATORY TECHNICIAN
SIGNATURE [Signature] DATE 10/07/04

(This space for State use only)

API NUMBER ASSIGNED: 43-013-32686

(11/2001)

Federal Approval Of This
Action Is Necessary

(See Instructions on Reverse Side)

Date: 11-16-04

By: [Signature]

Approved by the
Utah Division of
Oil, Gas and Mining

RECEIVED

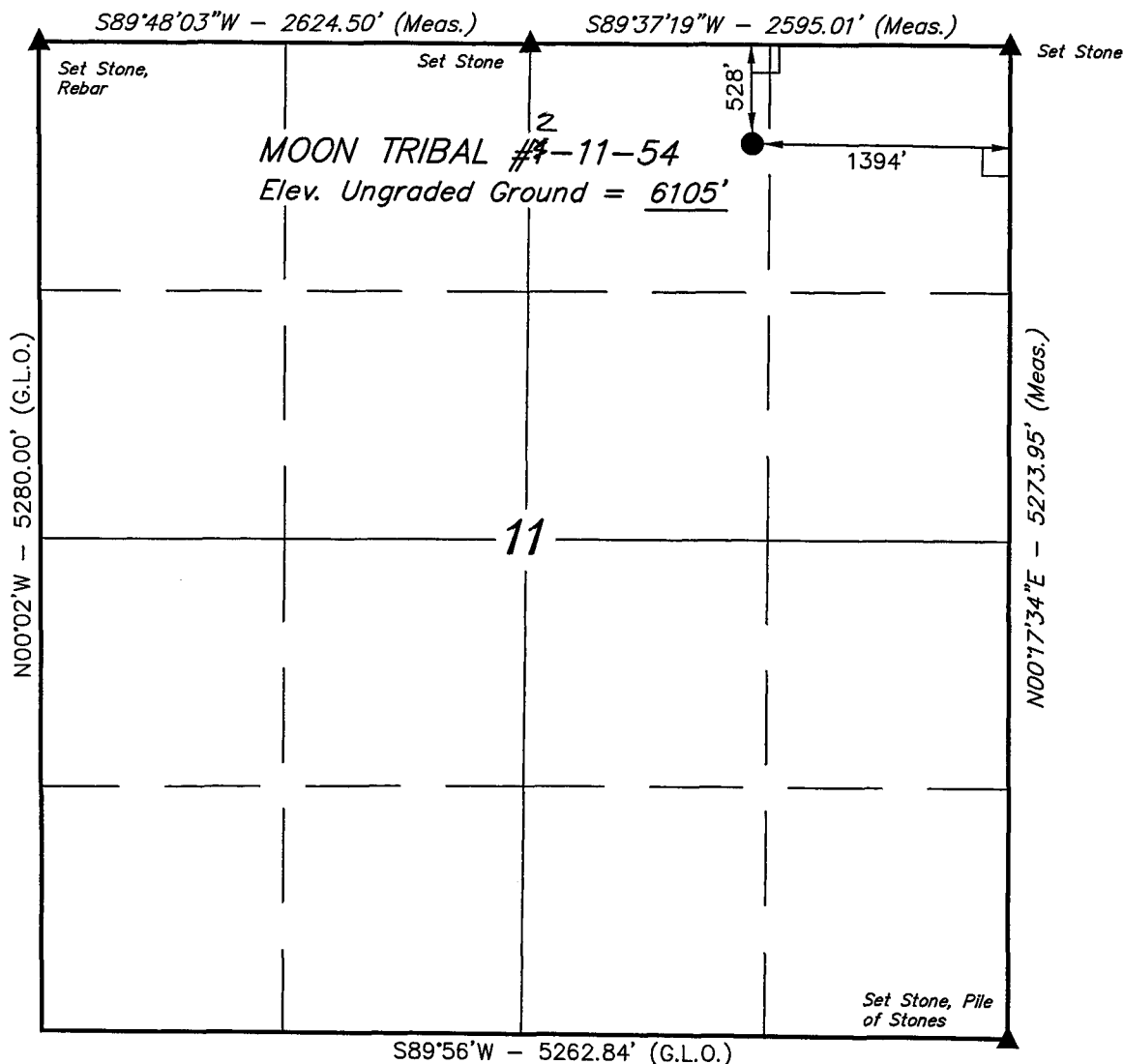
OCT 18 2004

DIV. OF OIL, GAS & MINING

T5S, R4W, U.S.B.&M.

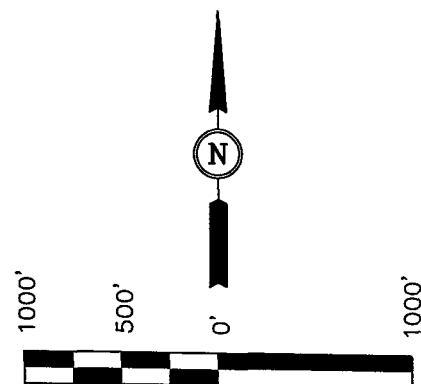
BERRY PETROLEUM COMPANY

Well location, MOON TRIBAL #1-11-54, located as shown in the NW 1/4 NE 1/4 of Section 11, T5S, R4W, U.S.B.&M. Duchesne County, Utah.



BASIS OF ELEVATION

BENCH MARK (M67) LOCATED IN THE SW 1/4 OF SECTION 9, T5S, R4W, U.S.B.&M. TAKEN FROM THE DUCHESNE SE QUADRANGLE, UTAH, DUCHESNE COUNTY, 7.5 MINUTE QUAD. (TOPOGRAPHIC MAP) PUBLISHED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY. SAID ELEVATION IS MARKED ON CAP AS BEING 6097 FEET.



CERTIFICATE

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEY MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME ARE CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED LAND SURVEYOR
REGISTRATION NO. 161319
STATE OF UTAH

LEGEND:

- └─ = 90° SYMBOL
- = PROPOSED WELL HEAD.
- ▲ = SECTION CORNERS LOCATED.

BASIS OF BEARINGS

BASIS OF BEARINGS IS A G.P.S. OBSERVATION.

(NAD 27)

LATITUDE = 40°04'00.32" (40.066756)

LONGITUDE = 110°17'53.39" (110.298164)

UINTAH ENGINEERING & LAND SURVEYING

85 SOUTH 200 EAST - VERNAL, UTAH 84078

(435) 789-1017

SCALE 1" = 1000'	DATE SURVEYED: 06-28-04	DATE DRAWN: 06-30-04
PARTY S.H. L.M. D.R.B.	REFERENCES G.L.O. PLAT	
WEATHER WARM	FILE BERRY PETROLEUM COMPANY	

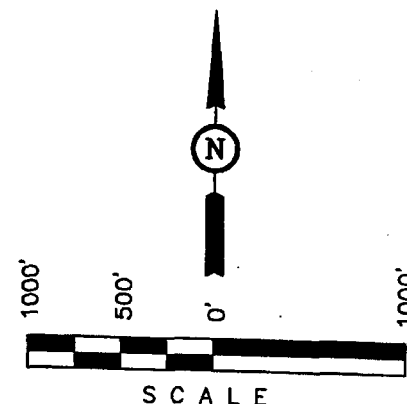
T5S, R4W, U.S.B.&M.

BERRY PETROLEUM COMPANY

Well location, MOON TRIBAL #2-11-54, located as shown in the NW 1/4 NE 1/4 of Section 11, T5S, R4W, U.S.B.&M. Duchesne County, Utah.

BASIS OF ELEVATION

BENCH MARK (M67) LOCATED IN THE SW 1/4 OF SECTION 9, T5S, R4W, U.S.B.&M. TAKEN FROM THE DUCHESNE SE QUADRANGLE, UTAH, DUCHESNE COUNTY, 7.5 MINUTE QUAD. (TOPOGRAPHIC MAP) PUBLISHED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY. SAID ELEVATION IS MARKED ON CAP AS BEING 6097 FEET.

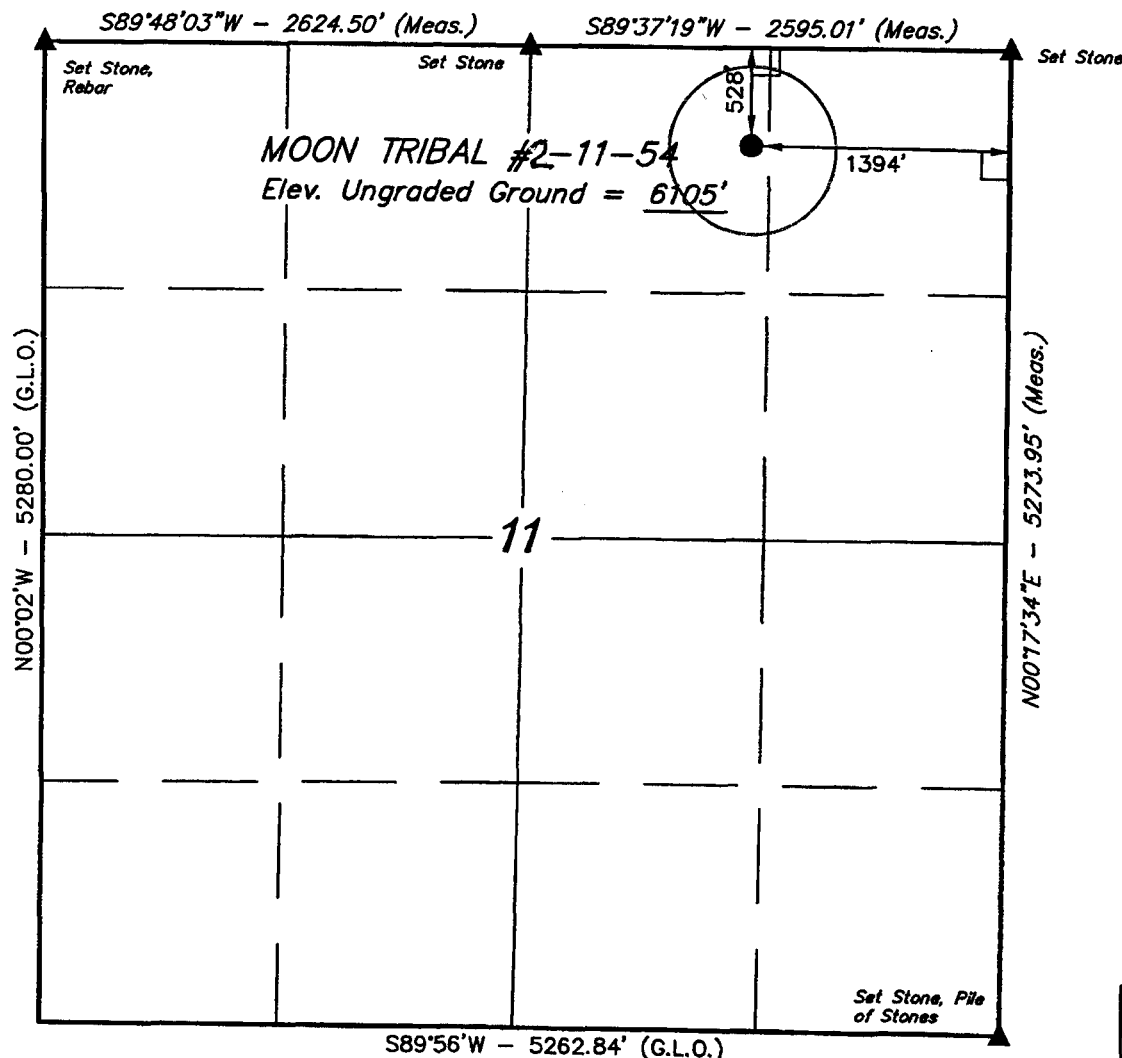


THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CERTIFICATE
 REGISTERED LAND SURVEYOR
 STATE OF UTAH
 REGISTRATION NO. 161319

UINTAH ENGINEERING & LAND SURVEYING
 85 SOUTH 200 EAST - VERNAL, UTAH 84078
 (435) 789-1017

SCALE 1" = 1000'	DATE SURVEYED: 06-28-04	DATE DRAWN: 06-30-04
PARTY S.H. L.M. D.R.B.	REFERENCES G.L.O. PLAT	
WEATHER WARM	FILE BERRY PETROLEUM COMPANY	



LEGEND:

- └─┘ = 90° SYMBOL
- = PROPOSED WELL HEAD.
- ▲ = SECTION CORNERS LOCATED.

BASIS OF BEARINGS

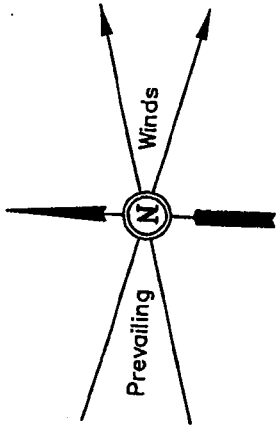
BASIS OF BEARINGS IS A G.P.S. OBSERVATION.

(NAD 27)
 LATITUDE = 40°04'00.32" (40.066756)
 LONGITUDE = 110°17'53.39" (110.298164)

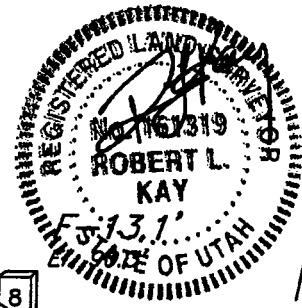
BERRY PETROLEUM COMPANY

LOCATION LAYOUT FOR

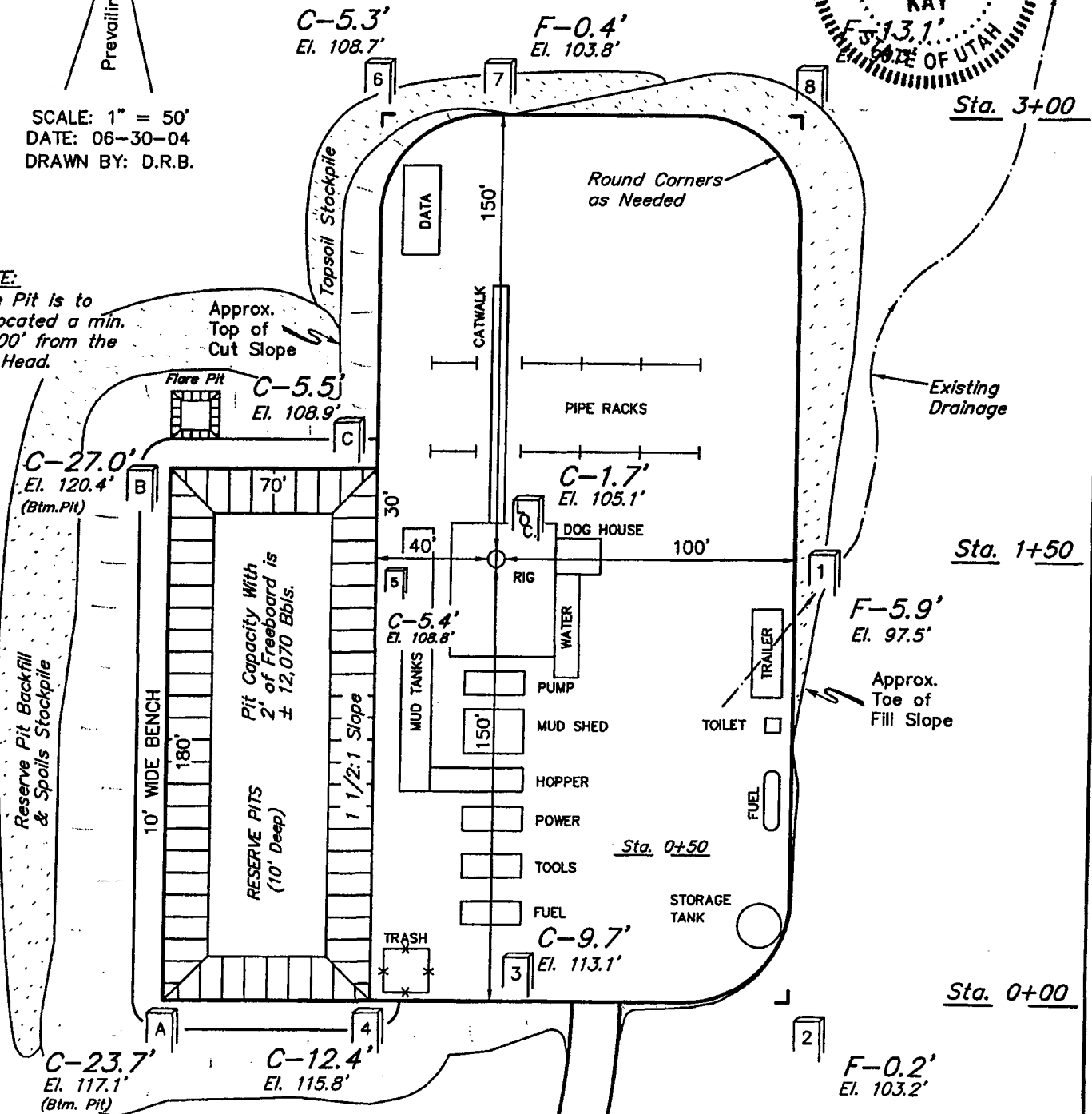
MOON TRIBAL #2-11-54
SECTION 11, T5S, R4W, U.S.B.&M.
528' FNL 1394' FEL



SCALE: 1" = 50'
DATE: 06-30-04
DRAWN BY: D.R.B.

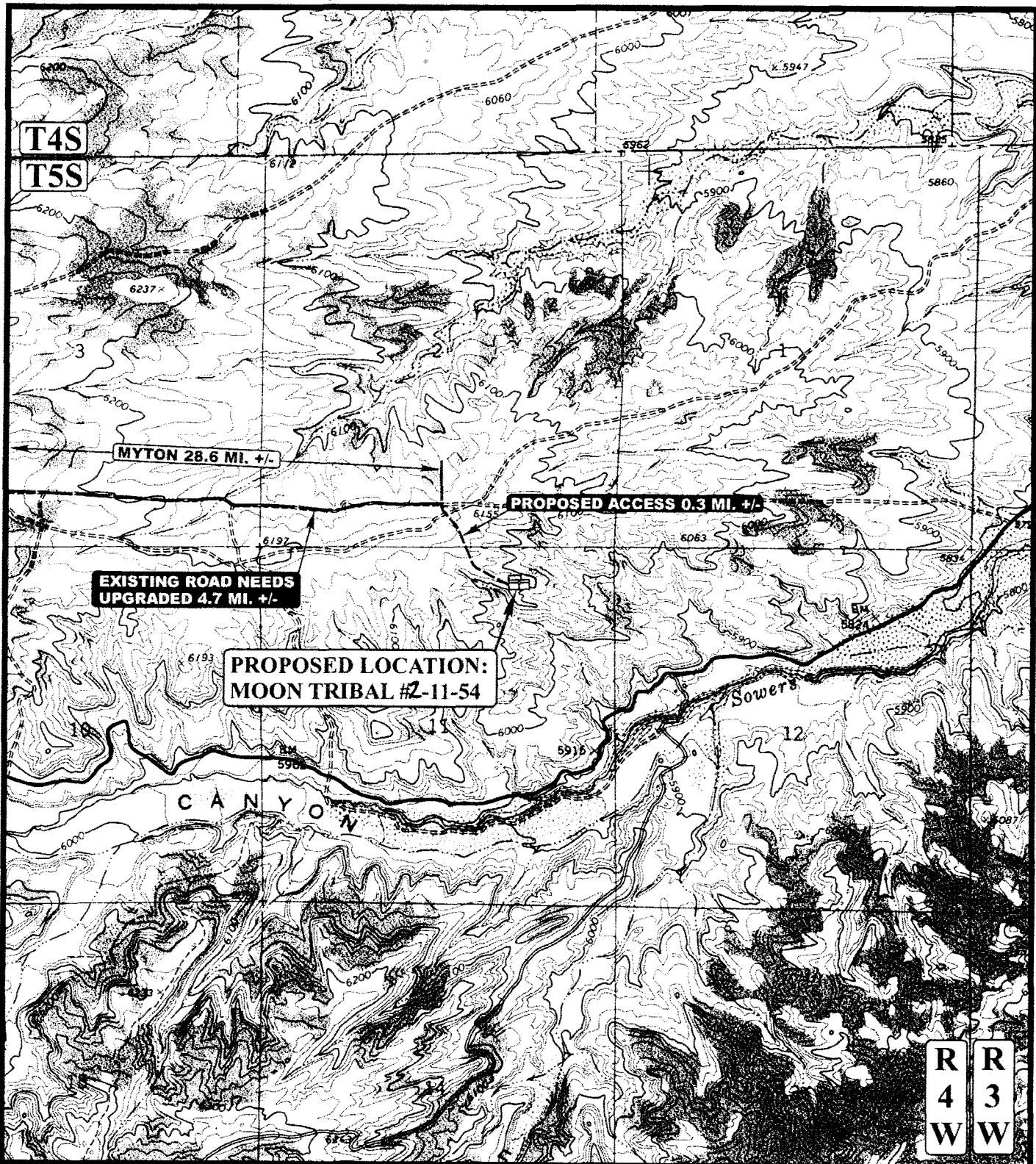


NOTE:
Flare Pit is to be located a min. of 100' from the Well Head.



Elev. Ungraded Ground at Location Stake = 6105.1'
Elev. Graded Ground at Location Stake = 6103.4'

UINTAH ENGINEERING & LAND SURVEYING
85 So. 200 East * Vernal, Utah 84078 * (435) 789-1017



LEGEND:

- EXISTING ROAD
- PROPOSED ACCESS ROAD
- EXISTING ROAD NEEDS UPGRADED



BERRY PETROLEUM COMPANY

MOON TRIBAL #2-11-54
SECTION 11, T5S, R4W, U.S.B.&M.
528' FNL 1394' FEL



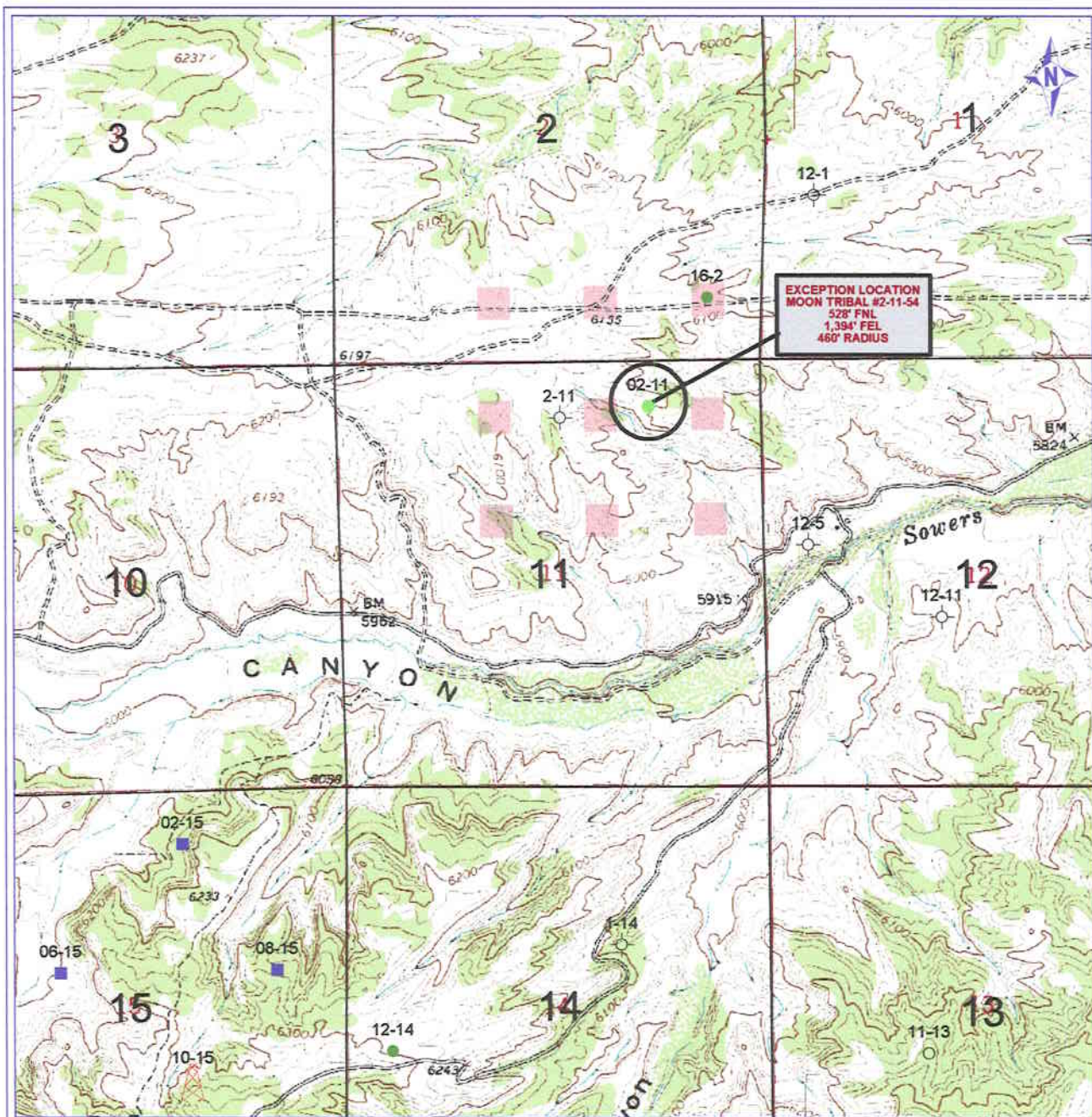
Uintah Engineering & Land Surveying
 85 South 200 East Vernal, Utah 84078
 (435) 789-1017 * FAX (435) 789-1813

TOPOGRAPHIC
MAP

08 **03** **04**
 MONTH DAY YEAR

SCALE: 1" = 2000' **DRAWN BY: P.M.** **REVISED: 00-00-00**

B
TOPO



Berry Petroleum Company

Brundage Canyon Project

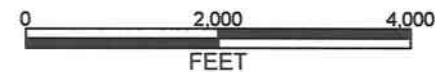
Moon Tribal #2-11-54

Exception Location Plat

Sec. 11, T5S R4W - Duchesne Co, Utah

WELL SYMBOLS

- 2004 Oil Well
- W/O Concurrence
- W/O Onsite
- Oil Well
- Dry Hole
- Location Only



October 22, 2004

SELF-CERTIFICATION STATEMENT

The following self-certification statement is provided per federal requirements dated June 15, 1988.

Please be advised that Berry Petroleum Company is considered to be the operator of the following well.

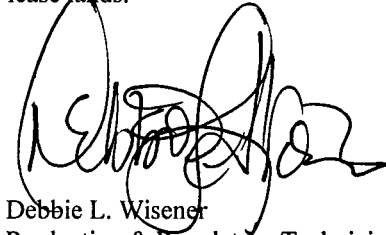
Moon Tribal ² 11-54

NW 1/4, NE 1/4, 528' FNL 1394' FEL, Section 11, T. 5 S., R. 4 W., U.S.B.&M.

Lease BIA 14-20-H62-4778 (E&D)

Duchesne, County, Utah

Berry Petroleum Company is responsible under the terms of the lease for the operations conducted upon the lease lands.



Debbie L. Wisener
Production & Regulatory Technician
Berry Petroleum Company
1614 South 2000 West
Route 3, Box 3020
Roosevelt, Utah 84066
435-722-1325

BERRY PETROLEUM COMPANY
Moon Tribal #2-11-54
Surface location NW 1/4, NE 1/4, 528' FNL 1394' FEL, Section 11, T. 5 S., R. 4 W., U.S.B.&M.
Duchesne County, Utah

ONSHORE ORDER NO. 1

DRILLING PROGRAM

1,2 Estimated Tops of Geological Markers and Formations Expected to Contain Water, Oil and Gas and Other Minerals

<u>Formation</u>	<u>Depth</u>
Uinta	surface
Green River	1367'
Mahogany	2687'
TGR3 Marker	3778'
*Douglas Creek	4555'
*Castle Peak	5466'
Uteland Butte Ls.	5903'
Wasatch	6138'
TD	6240'

*PROSPECTIVE PAY

3 Pressure Control Equipment

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: AUGUST 10, 2004).

4 Proposed Casing and Cementing Program

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: AUGUST 10, 2004).

5 Drilling Fluids Program

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: AUGUST 10, 2004).

6 Evaluation Program

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: AUGUST 10, 2004).

Berry Petroleum Company
Drilling Program
Moon Tribal #211-54
Duchesne County, Utah
Page Two

7 Abnormal Conditions

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING
PROCEDURE (SOP VERSION: AUGUST 10, 2004).

8 Anticipated Starting Dates and Notification of Operations

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING
PROCEDURE (SOP VERSION: AUGUST 10, 2004).

9 Other information

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING
PROCEDURE (SOP VERSION: AUGUST 10, 2004).

BERRY PETROLEUM COMPANY
Moon Tribal 1-11-54
Surface location NW 1/4, NE 1/4, 528' FNL 1394' FEL, Section 11, T. 5 S., R. 4 W., U.S.B.&M.
Duchesne County, Utah

ONSHORE ORDER NO. 1

MULTI POINT SURFACE USE & OPERATIONS PLAN

1 Existing Roads

To reach the Berry Petroleum Company well, Moon Tribal 1-11-54 location, in Section 11-T5S-R4W:

Start in Myton, Utah. Proceed west on US Highway 40, 8.6 miles to the Antelope Creek/Sowers Canyon Road at the Bridgeland turnoff. Turn south and proceed 8.6 miles to the Nutters Canyon Road. Turn west and proceed south and west 5.5 miles to the Cottonwood Canyon Road. Turn north and proceed northeast 1.2 miles. At intersection turn east and proceed east 4.7 miles to the Moon Tribal 1-11-54 access road. Turn southeast and proceed 0.3 miles to the Moon Tribal 1-11-54.

The existing oilfield service road may need some surface material to prevent or repair holes in the road due to heavy truck traffic during the drilling and completion operation. If repairs are made the operator will secure material from private sources.

Please see the attached map for additional details.

2 Planned Access Road

See Topographic Map "B" for the location of the proposed access road.

3 Location of Existing Wells

See Topographic Map "C" for the location of existing wells within a 1 mile radius.

4 Location of Tank Batteries, Production Facilities and Production Gathering and Service Lines

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: AUGUST 10, 2004).

5 Location and Type of Water Supply

Water for the drilling and completion will be pumped or trucked from the Berry source wells located in Sec. 23, T5S, R5W or Sec. 24, T5S, R5W, permit # 43-11041, or from Duchesne City Culinary Water Dock located in Sec. 1, T4S, R5W or from East Duchesne Water, Arcadia Feedlot, Sec. 28, T3S, R3W or from Petroglyph Operating Company 08-04 Waterplant, Sec. 8, T5S, R3W or from Kenneth V. & Barbara U. Richens source well located in Sec. 34, T3S, R2W, permit # 43-1723 or Brundage Canyon Field produced water or Leo Foy source well located in Sec. 34, T5S, R5W, permit # 43-11324. A water use agreement is also in place with the Ute Tribe.

6 Source of Construction Materials

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: AUGUST 10, 2004).

7 Methods of Handling Waste Materials

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: AUGUST 10, 2004).

8 Ancillary Facilities

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: AUGUST 10, 2004).

9 Wellsite Layout

The attached Location Layout diagram describes drill pad cross-sections, cuts and fills, and locations of the mud tanks, reserve pit, pipe racks, trailer parking, spoil dirt stockpile(s) and surface material stockpile(s)

10 Plans for Restoration of the Surface

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: AUGUST 10, 2004).

11 Surface Ownership

Elmer R. Moon Family Partnership

12 Other information

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: AUGUST 10, 2004).

13 Operator's Representative and Certification

A) Representative

NAME: Debbie L. Wisener

ADDRESS: Berry Petroleum Company
1614 South 2000 West
Route 3, Box 3020
Roosevelt, Utah 84066

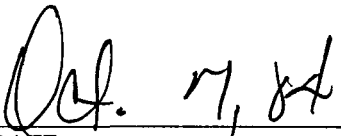
PHONE: 435-722-1325

All lease and/or unit operations will be conducted in such a manner that full compliance is made with all applicable laws, regulations and onshore oil and gas orders. The operator is fully responsible for the actions of its subcontractors. A copy of these conditions will be furnished to the field representative to ensure compliance.

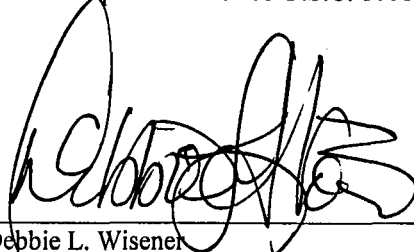
The drilling permit will be valid for a period of one year from the date of approval. After permit termination, a new application will be filed for approval for any future operations.

B) Certification:

I hereby certify that I, or persons under my direct supervision, have inspected the proposed drillsite and access route; that I am familiar with the conditions which presently exist; that the statements made in this plan are, to the best of my knowledge and belief, true and correct; and that the work associated with the operations proposed herein will be performed by Berry Petroleum Company and its contractors and subcontractors in conformity with this plan and the terms and conditions under which it is approved. This statement is subject to the provisions of 18 U.S.C. 1001 for the filing of a false statement.



DATE



Debbie L. Wisener
Production & Regulatory Technician
Berry Petroleum Company

APPLICATION FOR GRANT OF CORRIDOR RIGHT-OF-WAY

BERRY PETROLEUM COMPANY, having a resident or principal place of business at **1614 South, 2000 West, Route 3 Box 3020, Roosevelt, Utah, 84066**, hereby files an application with the Bureau of Indian Affairs, pursuant to the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323), and to the regulations of the Department of the Interior contained in Title 25, Code of Federal Regulations, Part 169, for the grant of a Right-of-Way for the following purposes and reasons:

To construct a Corridor Right-of-Way for the **MOON TRIBAL** ² **X-11-54**

Across the following described Indian Lands **SE ¼ SE ¼ OF SECTION 3, T5S, R4W, U.S.B. & M.**

Drill Site = n/a Ac.

Corridor R-O-W = 0.697 Ac.
(Access Road & Pipeline)

Total Acreage = 0.697 Acres

3" SDR-11 POLY PIPELINE

Said Pipeline Right-of-Way to be approximately **1,011.90'** feet in length, **30 feet** in width, and **0.697 Acres**, and more particularly described and shown on the map of definite location to be attached and made a part hereof.

The applicant understands and hereby expressly agrees to the following stipulations:

- (a) To construct and maintain the Right-of-Way in a workmanlike manner.
- (b) To pay promptly all damages and compensation, in addition to the deposit made pursuant to 169.4 determined by the Secretary to be due the landowners and authorized users and occupants of the land on account of the survey, granting, construction and maintenance of the Right-of-Way.
- (c) To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees or subcontractors and their employees.
- (d) To restore the lands as nearly as may be possible to their original condition upon the completion of the construction to the extent compatible with the purpose for which the Right-of-Way was granted.
- (e) To clear and keep clear the lands within the Right-of-Way to the extent compatible with the purpose of the Right-of-Way; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project.
- (f) To take soil and resource conservation and protection measures, including weed control, on the land covered by the Right-of-Way.
- (g) To do everything reasonable within its power to prevent and suppress fires on or

near the lands to be occupied under the Right-of-Way.

- (h) To build and repair such roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the Right-of-Way.
- (I) That upon revocation or termination of the Right-of-Way, the applicant shall, so far as is reasonably possible, restore the land to its original condition.
- (j) To at all times keep the Secretary informed of its address, and in case of corporations of the address of its principal officers.
- (k) That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the Right-of-Way is granted.

IN WITNESS THEREOF, BERRY PETROLEUM COMPANY. has caused this instrument to be executed this 9 day of Aug., 2004.

Chase Henne

WITNESS

Eve Henne

WITNESS

BERRY PETROLEUM COMPANY
APPLICANT

Ed Courtright

Ed Courtright/Production Foreman
Route 3 Box 3020
Roosevelt, Utah 84066
Phone:(435)722-1325

SUPPORTING DOCUMENTS:

- () Written consent of the landowners.
- () Evidence of good faith and financial responsibility.
- (x) \$0 as per the terms of the Exploration and Development Agreement (14-20-H62-4778).
- () State certified copy of corporate charter or articles of corporation.
- () Certified copy of resolution or bylaws of the corporation authorizing the filing of the stipulation
- () State certification that the applicant is authorized to do business in the State where the land is located.
- () Certified copy of the articles of partnership or association.
- (x) Map of definite location.
- () Other:

BERRY PETROLEUM COMPANY
MOON TRIBAL #0-11-54
CORRIDOR RIGHT-OF-WAY
SECTION 3, T5S, R4W, U.S.B.&M.

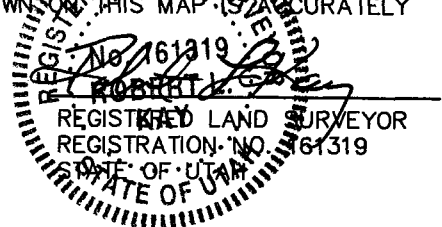
TOTAL CORRIDOR RIGHT-OF-WAY ON UTE TRIBAL LANDS

TOTAL LENGTH OF RIGHT-OF-WAY IS 1011.90' OR 0.192 MILES. WIDTH OF
RIGHT-OF-WAY IS 30' (15' PERPENDICULAR ON EACH SIDE OF THE CENTERLINE).
CONTAINS 0.697 ACRES MORE OR LESS.

ENGINEER'S AFFIDAVIT

STATE OF UTAH }
COUNTY OF UTAH } SS

ROBERT L. KAY, BEING FIRST DULY SWORN DEPOSES AND STATES THAT HE IS THE REGISTERED LAND SURVEYOR, FOR BERRY PETROLEUM COMPANY, THAT THESE SURVEYS WERE MADE BY HIM (OR UNDER HIS SUPERVISION): THAT HE HAS EXAMINED THE FIELD NOTES OF THE SURVEYS OF THE CORRIDOR RIGHT-OF-WAY AS DESCRIBED AND SHOWN ON THIS MAP, THAT THIS MAP WAS PREPARED UNDER HIS DIRECTION FROM SAID FIELD NOTES; AND THAT SAID RIGHT-OF-WAY, 0.192 MILES IN LENGTH BEGINNING AND ENDING AS SHOWN ON THIS MAP IS ACCURATELY REPRESENTED.

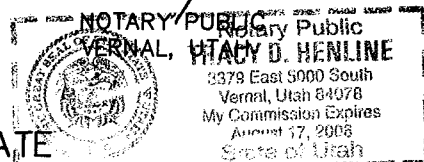


ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 5 DAY OF Aug 2004.

MY COMMISSION EXPIRES Aug 17, 2006

[Signature]



APPLICANT'S CERTIFICATE

I, ED COURTRIGHT, DO HEREBY CERTIFY THAT I AM THE AGENT FOR BERRY PETROLEUM COMPANY, HEREINAFTER DESIGNATED THE APPLICANT; THAT ROBERT L. KAY WHO SUBSCRIBED TO THE FOREGOING AFFIDAVIT, IS EMPLOYED BY THE APPLICANT AS A LAND SURVEYOR AND THAT HE WAS DIRECTED BY THE APPLICANT TO SURVEY THE LOCATION OF THIS CORRIDOR RIGHT-OF-WAY, 0.192 MILES IN LENGTH BEGINNING AT STA. 0+00 AND ENDING AT STA. 10+11.90, THAT SAID CORRIDOR RIGHT-OF-WAY ARE ACCURATELY REPRESENTED ON THIS MAP; THAT SUCH SURVEY AS REPRESENTED ON THIS MAP HAS BEEN ADOPTED BY THE APPLICANT AS THE DEFINITE LOCATION OF THE RIGHT-OF-WAY THEREBY SHOWN; AND THAT THE MAP HAS BEEN PREPARED TO BE FILED WITH THE SECRETARY OF THE INTERIOR OR HIS DULY AUTHORIZED REPRESENTATIVE AS PART OF THE APPLICATION FOR SAID RIGHT-OF-WAY TO BE GRANTED THE APPLICANT, ITS SUCCESSORS AND ASSIGNS, WITH THE RIGHT TO CONSTRUCT, MAINTAIN, AND REPAIR IMPROVEMENTS, THEREON AND THEREOVER, FOR SUCH PURPOSES, AND WITH THE FURTHER RIGHT IN THE APPLICANT, ITS SUCCESSORS AND ASSIGNS TO TRANSFER THIS RIGHT-OF-WAY BY ASSIGNMENT, GRANT, OR OTHERWISE.

[Signature]
APPLICANT

PRODUCTION SUPERVISOR
TITLE

Sec. 3

E 1/4 Sec 3
Set Stone

SW 1/4

Sec. 2

SE 1/4

NOTE:
BEGINNING STA. 0+00 BEARS N54°37'22"W 1227.25'
FROM THE SOUTHEAST CORNER OF SECTION 3, T5S,
R4W, U.S.B.&M.

Ute
Tribal

SE 1/4 SE 1/4

BEGINNING OF PROPOSED
CORRIDOR RIGHT-OF-WAY
ON UTE TRIBAL LANDS
STA. 0+00
(At Proposed Corridor For #16-3-54)

END OF PROPOSED
CORRIDOR RIGHT-OF-WAY
ON UTE TRIBAL LANDS
STA. 10+11.90
(At Section Line)

Centerline of Proposed
Corridor Right-of WayLEE H. MOON
KATHY MOON

BERRY PETROLEUM COMPANY
CORRIDOR RIGHT-OF-WAY
ON UTE TRIBAL LANDS

(For MOON TRIBAL #1-11-54)

LOCATED IN
SECTION 3, T5S, R4W, U.S.B.&M.
DUCESNE COUNTY, UTAH

S89°38'39"W - 2624.37' (Meas.)

S 1/4 Cor Sec 3
Pile of StonesSet Stone,
Rebar

RIGHT-OF-WAY LENGTHS

PROPERTY OWNER	FEET	ACRES	RODS
UTE TRIBAL	1011.90'	0.697	61.33

LINE TABLE

LINE	BEARING	LENGTH
L1	N89°03'00"E	282.31'
L2	S89°13'50"E	128.09'
L3	S73°31'42"E	286.48'
L4	S87°10'30"E	315.10'
L5	S87°10'30"E	85.36'
L6	S86°31'43"E	394.33'
L7	S85°16'10"E	284.10'
L8	S85°17'02"E	297.42'
L9	N69°14'13"E	276.15'
L10	N86°09'54"E	337.95'
L11	S89°42'15"E	248.07'
L12	S88°52'12"E	191.15'
L13	S88°25'47"E	154.73'
L14	S89°54'18"E	227.84'
L15	N89°35'13"E	160.54'
L16	S75°39'22"E	27.55'
L17	S07°23'44"E	121.61'
L18	S41°46'53"E	123.35'
L19	S44°21'47"E	159.84'
L20	S43°17'45"E	82.67'
L21	S13°22'47"E	124.73'
L22	S28°14'26"E	142.78'
L23	S28°14'26"E	23.04'
L24	S28°19'54"E	163.92'
L25	S28°54'16"E	158.92'
L26	S63°10'42"E	205.88'
L27	S51°51'23"E	152.73'
L28	S58°18'12"E	83.13'
L29	S75°30'54"E	87.06'
L30	N01°36'32"W	163.87'
L31	N88°23'28"E	230.00'
L32	S61°21'09"E	138.92'
L33	S01°36'32"E	190.00'
L34	S88°23'28"W	350.00'
L35	N01°36'32"W	96.13'

Section Line

N00°02'W - 5280.00' (G.L.O.)

CORRIDOR RIGHT-OF-WAY DESCRIPTION
ON UTE TRIBAL PROPERTY

A 30' WIDE RIGHT-OF-WAY 15' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

BEGINNING AT A POINT IN THE SE 1/4 SE 1/4 OF SECTION 3, T5S, R4W, U.S.B.&M. WHICH BEARS N54°37'22"W 1227.25' FROM THE SOUTHEAST CORNER OF SAID SECTION 3, THENCE N89°03'00"E 282.31'; THENCE S89°13'50"E 128.09'; THENCE S73°31'42"E 286.48'; THENCE S87°10'30"E 315.10' TO A POINT ON THE EAST LINE OF THE SE 1/4 SE 1/4 OF SECTION 3, WHICH BEARS N00°04'50"W 616.73' FROM THE SOUTHEAST CORNER OF SAID SECTION 3. THE SIDE LINES OF SAID DESCRIBED RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 0.697 ACRES MORE OR LESS.

S89°48'03"W - 2624.50' (Meas.)

Section Line

Set Stone

NW 1/4 1/16 Section Line

1/4 Section Line

Sec. 11 1/4 Section Line

END OF PROPOSED
CORRIDOR RIGHT-OF-WAY
UTE TRIBAL LANDS
STA. 53+26.83
(At Edge of Damage Area)

ELMER R. MOON
FAMILY PARTNERSHIP

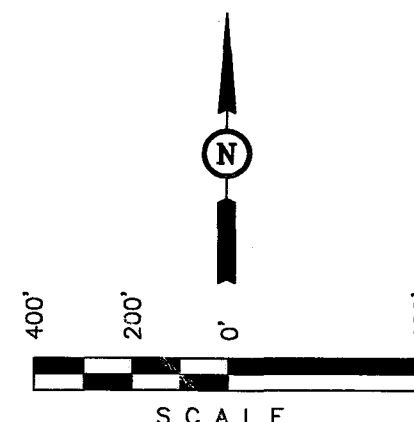
NOTE:
ENDING STA. 53+26.83 BEARS S61°36'28"E 1164.56'
FROM THE NORTH 1/4 CORNER OF SECTION 11, T5S,
R4W, U.S.B.&M.

BASIS OF BEARINGS

BASIS OF BEARINGS IS A G.P.S. OBSERVATION.

▲ = SECTION CORNERS LOCATED.

DAMAGE AREA
MOON TRIBAL #1-11-54
Contains 1.993 Acres



CERTIFICATE

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM
FIELD NOTES OF ACTUAL SURVEYS MADE BY ME, OR UNDER MY
SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE
BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED LAND SURVEYOR
REGISTRATION NO. 161319
STATE OF UTAH

UINTAH ENGINEERING & LAND SURVEYING
85 SOUTH - 200 EAST • (435) 789-1017
VERNAL, UTAH - 84078

SCALE 1" = 400'	DATE 07-01-04
PARTY S.H. L.M. D.R.B.	REFERENCES G.L.O. PLAT
WEATHER WARM	FILE 4 3 5 0 9

N00°17'34"E - 5273.95' (Meas.)

SURFACE DAMAGE AND RIGHT-OF-WAY SETTLEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, Lee H. Moon and Kathy Moon, husband and wife, whose address is 115, Duchesne, UT 84021 (hereinafter referred to as GRANTOR, whether one or more), are the owner of the surface of the following described property located in Duchesne County, Utah, to-wit:

TOWNSHIP 5 SOUTH, RANGE 4 WEST, USB&M

Section 2: S1/2S1/2

See Exhibit "A" Attached

and Berry Petroleum Company whose address is 5201 Truxton Avenue, Suite 300, Bakersfield, CA, 93309, (hereinafter referred to as GRANTEE), owns leases covering oil, gas and mineral rights in, under and upon said property; and

WHEREAS, Grantee desire to build an access road and a pipeline or pipelines and appurtenances thereto on a portion of said property.

NOW THEREFORE, for and in consideration of the sum of ten dollars (\$10.00) and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant, sell and convey unto Grantee, its successors and assigns, the easement and right to us that portion of the herein above described property as may be necessary to construct, entrench, maintain, operate, replace, remove, protect, or abandon a pipeline or pipelines for gas with appurtenances thereto, including, but not limited to, valves, metering equipment, and cathodic equipment; to construct, maintain, relocate, or abandon roads (said pipelines, appurtenances, valves, metering equipment, cathodic equipment, and road being sometimes collectively called the "facilities") over, under and through the hereinafter described land as described in the attached Exhibit "A".

Grantor acknowledges the receipt and sufficiency of the above described consideration as payment for all damages to Grantor's trees, timber, growing crops, and other vegetation being cultivated on said land by the undersigned or their respective lessees, tenants or assigns caused by the construction, maintenance, protection, repair, placement or removal of the facilities as described in the attached exhibits and agrees that the payment and acceptance of the consideration set forth above is in full and complete payment, settlement, compromise and satisfaction of any and all of the above-mentioned losses, liabilities, claims, damages, demands and causes of action for any and all injuries and damage to the surface of the land hereinbelow described and to any appurtenances or improvements thereon, and for any and all claims including but not limited to loss of potential rental income, damages to and/or loss of livestock and wildlife, arising directly or indirectly in connection with the operations thereon by Grantee, its employees, agents, contractors, or subcontractors in connection with the above-mentioned operations of Grantee.

Grantee shall have the free right of ingress and egress to, over, upon, through and across said right-of-way and easement for any and all purposes that may be necessary or incidental to the maintenance of the right-of-way and easement, with the right to use existing roads which enter Grantor's property for the purpose of constructing, inspecting, repairing and maintaining the facilities and the removal or replacement of same at will, either in whole or in part, and the replacement of said pipeline or pipelines with either like or different size pipe. During temporary periods, Grantee may use such portions of the property along and adjacent to said right-of-way as may be necessary in connection with construction, maintenance, repair, removal or replacement of the facilities and if such use cause any damages to Grantor's lands outside of the above described right-of-way, Grantee shall pay Grantor for such damages.

Grantor reserves the right to the use and enjoyment of said property except for the purposes herein granted, but such use shall not hinder, conflict or interfere with Grantee's surface or subsurface rights hereunder or disturb its facilities. No road, reservoir, excavation, obstruction or structure shall be constructed, created or maintained on, over, along or within the lands covered by this right-of-way without Grantee's prior written consent.

If Grantee desires to remove any trees adjacent to said right-of-way at a later date which may be hazardous to the maintenance and use of the facilities on the right-of-way, Grantee shall first obtain approval from Grantor in writing, Grantor's approval not to be unreasonably withheld, and after receipt of such approval, may proceed to cut and remove such trees subject to payment of additional timber damages, if any are determined.

The undersigned Grantor hereby covenants and warrants that they are the surface owners of the above-described land, and have the right to enter into this Agreement.

FOR THE SAME CONSIDERATION RECITED ABOVE, Grantor and Grantee do hereby release, discharge and acquit the other from any and all liability, and shall indemnify the other against any and all claims and demands for damages, attorneys fees, injury or loss, existing now or done hereafter, to the surface of said lands or to any third parties arising out of or being the result of their or, their agents, contractors, licensees, permittees, successors and assigns own activities on or use of the subject property. However, such parties' potential liability under this paragraph to the other shall be limited to the acts and/or omission of it, or its predecessors, agents, contractors, licensees, permittees, successors, and assigns, and shall not include any acts and/or omissions of the other party, its agents, contractors, licensees, permittees, successors or assigns. Grantee shall reasonably maintain the subject property in order to prevent unnecessary deterioration of the surface and to keep the property in an ☐nlettered condition.

TO HAVE AND TO HOLD the above described rights and easements, together with all rights necessary to operate and maintain the facilities over the right-of-way hereby granted unto the said Grantee, its successors and assigns, until such time as the right-of-way and easement is abandoned under the terms stipulated herein. The Grantee may assign the rights and easements herein granted, either in whole or in part, subject to the terms of this grant, and such rights and easements shall be covenants running with the land and be binding up Grantor, Grantor's heirs, legal representatives and successors in title. Upon abandonment, at the request of the Grantor, Grantee shall execute and deliver to Grantor a document in recordable form evidencing said abandonment. Also, upon abandonment, at the request of the Grantor, Grantee shall restore the surface used under the terms of this Agreement to as near its original condition as is possible.


The making, execution and delivery of this document by Grantor has been induced by no representations, statements, warranties, or other agreements other than those herein expressed. This agreement embodies the entire understanding of the parties, and this instrument may be amended or modified only by subsequent written agreement of the parties.

Grantee shall maintain all roads used pursuant to this Agreement and shall install culverts where necessary to insure adequate drainage from all roads. Grantee shall also install cattle guards where the roads go through fences, if any.

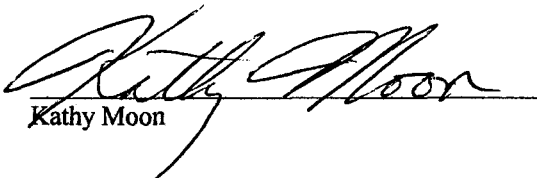
This agreement shall inure to the benefit of the parties hereto, their heirs, successors, and assigns and shall be a burden running with the land.

IN WITNESS WHEREOF, the parties have executed this Surface Damage and Right-of-Way Settlement Agreement effective as of the 17th day of September, 2004.

GRANTOR:



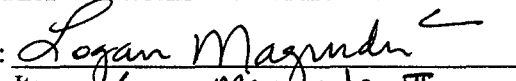
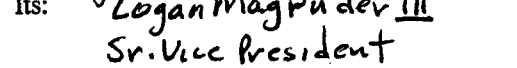
Lee H. Moon



Kathy Moon

GRANTEE:

BERRY PETROLEUM COMPANY

By: 
Its: 
Sr. Vice President

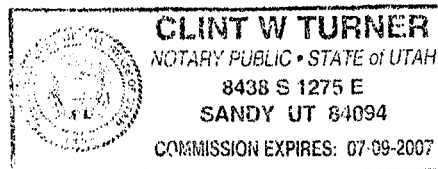
STATE OF UTAH)
)
COUNTY OF DUCHESNE)

BEFORE ME, the undersigned, a Notary Public, in and for said County and State on this 10th day of September, 2004, personally appeared Lee H. Moon and Kathy Moon, husband and wife to me known to be the identical person(s) described in and who executed the within and foregoing instrument of writing and acknowledged to me that they duly executed the same as their free and voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Clint W. Turner
Notary Public

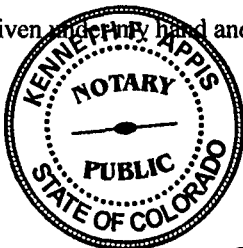
My Commission Expires: 7-9-07



STATE OF COLORADO)
)
COUNTY OF DENVER)

I, the undersigned authority, a Notary Public in and for said county and state, hereby certify that Logan Magruder III, whose name as Sr. Vice President of Berry Petroleum Company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal this 28th day of September, 2004.



Kenneth Haggis
Notary Public

My Commission Expires 1-23-06

My Commission Expires: _____

Sec. 3

NOTE:
BEGINNING STA. 0+00 BEARS N54°37'22"W 1227.25'
FROM THE SOUTHEAST CORNER OF SECTION 3, T5S,
R4W, U.S.B.&M.

Ute
Tribal

BEGINNING OF PROPOSED
CORRIDOR RIGHT-OF-WAY
ON UTE TRIBAL LANDS
STA. 0+00
(At Proposed Corridor For #16-3-54)

S89°38'39"W - 2624.37' (Meas.)
S 1/4 Cor Sec 3
Pile of Stones

EXHIBIT "A"

SW 1/4

Sec. 2

SE 1/4

BERRY PETROLEUM COMPANY

LOCATION DAMAGE AREA &
CORRIDOR RIGHT-OF-WAY
ON FEE LANDS

(For MOON TRIBAL #1-11-54)

LOCATED IN
SECTIONS 2, 3 & 11, T5S, R4W, U.S.B.&M.
DUCHESE COUNTY, UTAH

Centerline of Proposed
Corridor Right-of Way

LEE H. MOON
KATHY MOON

RIGHT-OF-WAY LENGTHS

PROPERTY OWNER	FEET	ACRES	RODS
ELMER R. MOON FAMILY PARTNERSHIP	874.68'	0.602	53.01
LEE H. & KATHY MOON PROPERTY	3440.25'	2.369	208.50

DAMAGE AREA DESCRIPTION ON ELMER R. MOON FAMILY PARTNERSHIP

BEGINNING AT A POINT IN THE NW 1/4 NE 1/4 OF SECTION 11, T5S, R4W, U.S.B.&M. WHICH BEARS S61°36'28"E 1164.56' FROM THE NORTH 1/4 CORNER OF SAID SECTION 11, THENCE N01°36'32"W 163.87'; THENCE N88°23'28"E 230.00'; THENCE S61°21'09"E 138.92'; THENCE S01°36'32"E 190.00'; THENCE S88°23'28"W 350.00'; THENCE N01°36'32"W 96.13' TO THE POINT OF BEGINNING. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 1.993 ACRES MORE OR LESS.

CORRIDOR RIGHT-OF-WAY DESCRIPTION ON LEE H. & KATHY MOON PROPERTY

A 30' WIDE RIGHT-OF-WAY 15' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

BEGINNING AT A POINT ON THE WEST LINE OF THE SW 1/4 SW 1/4 OF SECTION 2, WHICH BEARS N00°04'50"W 616.73' FROM THE SOUTHWEST CORNER OF SAID SECTION 2, THENCE S87°10'30"E 85.36'; THENCE S86°31'43"E 394.33'; THENCE S85°16'10"E 284.10'; THENCE S85°17'02"E 297.42'; THENCE N69°14'13"E 276.15'; THENCE N86°09'54"E 337.95'; THENCE S89°42'15"E 248.07'; THENCE S88°52'12"E 191.15'; THENCE S88°25'47"E 154.73'; THENCE S89°54'18"E 227.84'; THENCE N89°35'13"E 160.54'; THENCE S75°39'22"E 27.55'; THENCE S07°23'44"E 121.61'; THENCE S41°46'53"E 123.35'; THENCE S44°21'47"E 159.84'; THENCE S43°17'45"E 82.67'; THENCE S13°22'47"E 124.73'; THENCE S28°14'26"E 142.78' TO A POINT ON THE SOUTH LINE OF THE SW 1/4 SE 1/4 OF SECTION 2, WHICH BEARS N89°37'19"E 400.10' FROM THE SOUTH 1/4 CORNER OF SAID SECTION 2. THE SIDE LINES OF SAID DESCRIBED RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 2.369 ACRES MORE OR LESS.

CORRIDOR RIGHT-OF-WAY DESCRIPTION ON ELMER R. MOON FAMILY PARTNERSHIP

A 30' WIDE RIGHT-OF-WAY 15' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

BEGINNING AT A POINT ON THE NORTH LINE OF THE NW 1/4 NE 1/4 OF SECTION 11, T5S, R4W, U.S.B.&M. WHICH BEARS N89°37'19"E 400.10' FROM THE NORTH 1/4 CORNER OF SAID SECTION 11, THENCE S28°14'26"E 23.04'; THENCE S28°19'54"E 163.92'; THENCE S28°54'16"E 158.92'; THENCE S63°10'42"E 205.88'; THENCE S51°51'23"E 152.73'; THENCE S58°18'12"E 83.13'; THENCE S75°30'54"E 87.06' TO A POINT IN THE NW 1/4 NE 1/4 OF SECTION 11, WHICH BEARS S61°36'28"E 1164.56' FROM THE NORTH 1/4 CORNER OF SAID SECTION 11. THE SIDE LINES OF SAID DESCRIBED RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 0.602 ACRES MORE OR LESS.

BASIS OF BEARINGS

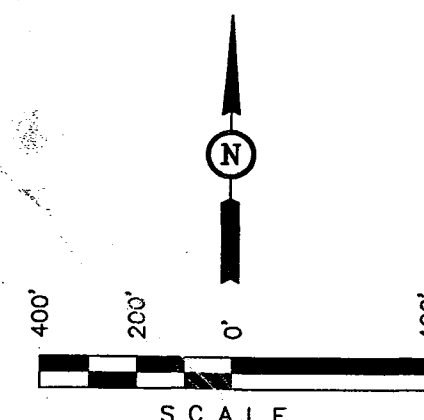
BASIS OF BEARINGS IS A G.P.S. OBSERVATION.

▲ = SECTION CORNERS LOCATED.

DAMAGE AREA
MOON TRIBAL #1-11-54
Contains 1.993 Acres

END OF PROPOSED
CORRIDOR RIGHT-OF-WAY
ON FEE LANDS
STA. 53+26.83
(At Edge of Damage Area)

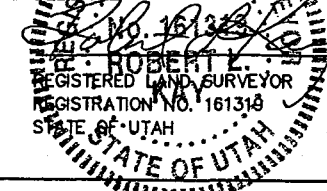
ELMER R. MOON
FAMILY PARTNERSHIP



Ute
Tribal

CERTIFICATE

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



UINTAH ENGINEERING & LAND SURVEYING
85 SOUTH - 200 EAST • (435) 789-1017
VERNAL, UTAH - 84078

SCALE 1" = 400'	DATE 07-01-04
PARTY S.H. L.M. D.R.B.	REFERENCES G.L.O. PLAT
WEATHER WARM	FILE 43508

LINE	BEARING	LENGTH
L1	N89°03'00"E	282.31'
L2	S89°13'50"E	128.09'
L3	S73°31'42"E	286.48'
L4	S87°10'30"E	315.10'
L5	S87°10'30"E	85.36'
L6	S86°31'43"E	394.33'
L7	S85°16'10"E	284.10'
L8	S85°17'02"E	297.42'
L9	N69°14'13"E	276.15'
L10	N86°09'54"E	337.95'
L11	S89°42'15"E	248.07'
L12	S88°52'12"E	191.15'
L13	S88°25'47"E	154.73'
L14	S89°54'18"E	227.84'
L15	N89°35'13"E	160.54'
L16	S75°39'22"E	27.55'
L17	S07°23'44"E	121.61'
L18	S41°46'53"E	123.35'
L19	S44°21'47"E	159.84'
L20	S43°17'45"E	82.67'
L21	S13°22'47"E	124.73'
L22	S28°14'26"E	142.78'
L23	S28°14'26"E	23.04'
L24	S28°19'54"E	163.92'
L25	S28°54'16"E	158.92'
L26	S63°10'42"E	205.88'
L27	S51°51'23"E	152.73'
L28	S58°18'12"E	83.13'
L29	S75°30'54"E	87.06'
L30	N01°36'32"W	163.87'
L31	N88°23'28"E	230.00'
L32	S61°21'09"E	138.92'
L33	S01°36'32"E	190.00'
L34	S88°23'28"W	350.00'
L35	N01°36'32"W	96.13'

Sec. 11

1/4 Section Line

N00°01'W - 2640.00' (G.L.O.)

N00°17'34"E - 5273.95' (Meas.)

SURFACE DAMAGE AND RIGHT-OF-WAY SETTLEMENT AGREEMENT

This Agreement, made and entered into this the 17th day of September, 2004, by and between Elmer R. Moon Family Partnership, a limited partnership, HC 64, Box 115 Duchesne, UT 84021, ("Surface Owner") and Berry Petroleum Company, 5201 Truxton Avenue, Suite 300, Bakersfield, CA 93309, ("Berry").

WITNESSETH THAT:

WHEREAS, Berry owns undivided interests in certain oil and gas leases ("leases") covering and affecting the N1/2 of Section 11, Township 5 South, Range 4 West, USM, of Duchesne County, Utah; and,

WHEREAS, such leases grant to Berry the right and privilege of ingress, egress, exploring, drilling, mining, operating for, producing and owning oil and gas and all other products produced therewith, together with the right to make surveys on said lands, lay pipelines, construct roads and bridges, dig canals, build power stations, telephone lines, employee houses and other structures on said lands, necessary or useful in Berry's operations; and,

WHEREAS, Berry, pursuant to its rights under the Leases, intends to drill the Moon Tribal #1-11-54 well at a legal drill-site location in the N1/2NE1/4 of Section 11, Township 5 South Range 4 West, USM, Duchesne County, Utah; and,

WHEREAS, Surface Owner warrants ownership to the surface of at least specific portions of the N1/2 of Section 11, Township 5 South, Range 4 West, USM, Duchesne County, Utah, and which warranted ownership is further subject to all oil, gas and other mineral rights which are reserved for the use and benefit of the owners thereof; and,

WHEREAS, Berry has agreed to reimburse Surface Owner for actual damages and injuries to all crops, timber, fences and other improvements located on the surface which results from Berry's operations hereunder, provided that Berry shall not be held liable or responsible for acts of providence or occurrences beyond Berry's control; so,

NOW, THEREFORE, in consideration of TEN (10) AND MORE DOLLARS (\$10.00) and other good and valuable consideration paid by Berry to Surface Owner, the receipt and sufficiency of which is hereby acknowledged, said Surface Owner does hereby release Berry, its agents, employees, licensees, permittees, successors and assigns from all claims for damages as hereinafter provided, which are occasioned by any drilling, testing, completing, producing, operating, reworking and abandoning operations conducted by Berry at the above mentioned well, and agrees that Berry, its agents, employees, licensees, permittees, successors and assigns, may enter upon said premises and construct and maintain such roadways, bridges, and other means of access as are necessary to enable Berry on said location, for the purpose of erecting all necessary surface equipment, including but not limited to separators and tank battery storage facilities and other related facilities for the operating of the subject well or any other well(s) operated by Berry in the general area. Said location and road to be located as shown on Exhibit "A" attached hereto.

For the same consideration, Surface Owner does hereby grant and convey unto Berry, its successors and assigns, the right, at any time and from time to time, to lay, construct, reconstruct, replace, renew, operate, maintain, repair, change the size of, and remove pipes and pipelines for the transportation of oil, petroleum or any of its products, gas, water, saltwater and other substances, or any byproducts thereof, along, over, through, upon under and across the route of any such lines constructed hereunder, together with rights of ingress and egress to and from said line or lines for the purposes aforesaid. Such pipeline or pipelines to be constructed within the boundaries of the right-of-way granted herein as shown on Exhibit "A" attached hereto.

Surface Owner hereby releases Berry, its successors and assigns, from any and all damages and claims asserted. The consideration paid by Berry to Surface Owner is accepted by Surface Owner as full and final satisfaction for any and all damages and claims for damages to the surface which result from any of Berry's operations and privileges granted under the above Leases. Surface Owner hereby waives the right to collect any further and additional damages that may hereafter be asserted in connection with Berry's use of the land as further described on Exhibit "A" attached hereto and agrees to accept in lieu of any such future claims the agreed upon payment provided for in this Agreement.

Nothing herein shall alter or affect the rights of either party hereto with respect to surface use or disturbance of Surface Owner's land surrounding the drillsite locations, respectively, and Berry agrees to give Surface Owner advance notice of its intended use of any such surrounding land before commencing any operations thereon pursuant to its rights.

Surface Owner and Berry do hereby release, discharge and acquit the other from any and all liability, and shall indemnify the other against any and all claims and demands for damages, attorneys fees, injury or loss, existing now or done hereafter, to the surface of said lands or to any third parties arising out of or being the result of their or their agents, contractors licensees, permittees, successors and assigns own activities on or use of the subject property. However, such parties' potential liability under this paragraph to the other shall be limited to the acts and/or omission of its, or its predecessors, agents, contractors, licensees, permittees, successor and assigns, and shall not include any acts and/or omissions of the other party, its agents, contractors, licensees, permittees, successors or assigns. Berry shall reasonably maintain the subject property in order to prevent unnecessary deterioration of the surface and to keep the property in an uncluttered condition.


Any topsoil which is removed by Berry on Surface Owner's land will be stockpiled at the drillsite and will be redistributed on the drillsite upon completion of all operations and the land reseeded with grasses and/or native plants by Berry upon written request by Surface Owner. All mud pits will be filled and material and debris will be removed from the drillsite upon completion of operations. Berry shall have the right to remove from the lands covered hereby, at any time during the term hereof or within six (6) months after the termination of this Agreement, any or all structures, pipes, equipment and other facilities placed on, over, under, through and across any lands covered hereby, excepting fences, culverts, and other land improvements required by the Surface Owner, and title thereto shall be vested in Berry at all times, and shall in no event be considered or construed as fixtures thereto.

This Agreement shall inure to the benefit of the parties hereto, their heirs, successors and assigns and shall be a burden running with the land.

This Agreement may be executed in any number of counterparts and all such counterparts shall be deemed to constitute a single Agreement and the execution of one counterpart by any party hereto shall have the same force and effect as if said party had signed all other counterparts.

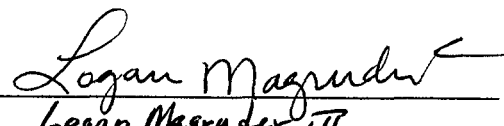
IN WITNESS WHEREOF, the parties have executed this Surface Damage Settlement Agreement effective as of the 17th day of September, 2004.

SURFACE OWNER
ELMER R. MOON FAMILY
PARTNERSHIP, A LIMITED
PARTNERSHIP



Lee H. Moon, Partner

BERRY PETROLEUM COMPANY

By: 

Logan Magruder, III
Its: Sr. Vice President

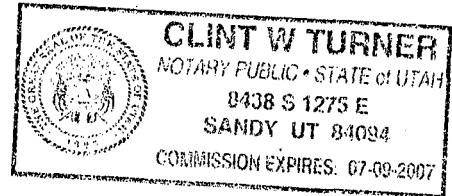
STATE OF UTAH)
)
COUNTY OF DUCHESNE)

On this 10th day of September, 2004, before me personally appeared Lee H. Moon, as Partner of the Elmer R. Moon Family Partnership, a limited partnership known to me to be the person(s) who is (are) described in and who executed the within instrument and acknowledged to me that he executed the same.

Clint W Turner
Notary Public

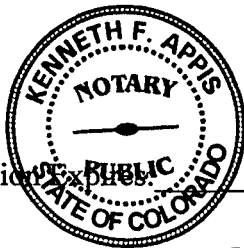
My Commission Expires: 7-9-07

Residing at:



STATE OF Colorado)
City and)
COUNTY OF Denver

On the 28th day of September, 2004, personally appeared before me Logan Magrader III, who, being by me duly sworn, did say that he is a Sr. Vice President of Berry Petroleum Company and that said instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said Logan Magrader III acknowledged to me that said corporation executed the same.



My Commission Expires: _____

My Commission Expires 1-23-06

Kenneth F Appis
Notary Public
Residing at: Denver, Co

Sec. 3

NOTE:
BEGINNING STA. 0+00 BEARS N54°37'22"W 1227.25'
FROM THE SOUTHEAST CORNER OF SECTION 3, T5S,
R4W, U.S.B.&M.

Ute
Tribal

SE 1/4 SE 1/4

BEGINNING OF PROPOSED
CORRIDOR RIGHT-OF-WAY
ON UTE TRIBAL LANDS
STA. 0+00
(At Proposed Corridor For #16-3-54)

S89°38'39"W - 2624.37' (Meas.)

S 1/4 Cor Sec 3
Pile of Stones

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°03'00"E	282.31'
L2	S89°13'50"E	128.09'
L3	S73°31'42"E	286.48'
L4	S87°10'30"E	315.10'
L5	S87°10'30"E	85.36'
L6	S86°31'43"E	394.33'
L7	S85°16'10"E	284.10'
L8	S85°17'02"E	297.42'
L9	N69°14'13"E	276.15'
L10	N86°09'54"E	337.95'
L11	S89°42'15"E	248.07'
L12	S88°52'12"E	191.15'
L13	S88°25'47"E	154.73'
L14	S89°54'18"E	227.84'
L15	N89°35'13"E	160.54'
L16	S75°39'22"E	27.55'
L17	S07°23'44"E	121.61'
L18	S41°46'53"E	123.35'
L19	S44°21'47"E	159.84'
L20	S43°17'45"E	82.67'
L21	S13°22'47"E	124.73'
L22	S28°14'26"E	142.78'
L23	S28°14'26"E	23.04'
L24	S28°19'54"E	163.92'
L25	S28°54'16"E	158.92'
L26	S63°10'42"E	205.88'
L27	S51°51'23"E	152.73'
L28	S58°18'12"E	83.13'
L29	S75°30'54"E	87.06'
L30	N01°36'32"W	163.87'
L31	N88°23'28"E	230.00'
L32	S61°21'09"E	138.92'
L33	S01°36'32"E	190.00'
L34	S88°23'28"W	350.00'
L35	N01°36'32"W	96.13'

Section Line

N00°02'W - 5280.00' (G.L.O.)

RIGHT-OF-WAY LENGTHS

PROPERTY OWNER	FEET	ACRES	RODS
ELMER R. MOON FAMILY PARTNERSHIP	874.68'	0.602	53.01
LEE H. & KATHY MOON PROPERTY	3440.25'	2.369	208.50

DAMAGE AREA DESCRIPTION
ON ELMER R. MOON FAMILY PARTNERSHIP

BEGINNING AT A POINT IN THE NW 1/4 NE 1/4 OF SECTION 11, T5S, R4W, U.S.B.&M. WHICH BEARS S61°36'28"E 1164.56' FROM THE NORTH 1/4 CORNER OF SAID SECTION 11, THENCE N01°36'32"W 163.87'; THENCE N88°23'28"E 230.00'; THENCE S61°21'09"E 138.92'; THENCE S01°36'32"E 190.00'; THENCE S88°23'28"W 350.00'; THENCE N01°36'32"W 96.13' TO THE POINT OF BEGINNING. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 1.993 ACRES MORE OR LESS.

CORRIDOR RIGHT-OF-WAY DESCRIPTION
ON LEE H. & KATHY MOON PROPERTY

A 30' WIDE RIGHT-OF-WAY 15' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

BEGINNING AT A POINT ON THE WEST LINE OF THE SW 1/4 SW 1/4 OF SECTION 2, WHICH BEARS N00°04'50"W 616.73' FROM THE SOUTHWEST CORNER OF SAID SECTION 2, THENCE S87°10'30"E 85.36'; THENCE S86°31'43"E 394.33'; THENCE S85°16'10"E 284.10'; THENCE S85°17'02"E 297.42'; THENCE N69°14'13"E 276.15'; THENCE N86°09'54"E 337.95'; THENCE S89°42'15"E 248.07'; THENCE S88°52'12"E 191.15'; THENCE S88°25'47"E 154.73'; THENCE S89°54'18"E 227.84'; THENCE N89°35'13"E 160.54'; THENCE S75°39'22"E 27.55'; THENCE S07°23'44"E 121.61'; THENCE S41°46'53"E 123.35'; THENCE S44°21'47"E 159.84'; THENCE S43°17'45"E 82.67'; THENCE S13°22'47"E 124.73'; THENCE S28°14'26"E 142.78' TO A POINT ON THE SOUTH LINE OF THE SW 1/4 SE 1/4 OF SECTION 2, WHICH BEARS N89°37'19"E 400.10' FROM THE SOUTH 1/4 CORNER OF SAID SECTION 2. THE SIDE LINES OF SAID DESCRIBED RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 2.369 ACRES MORE OR LESS.

SW 1/4

Sec. 2

SE 1/4

BERRY PETROLEUM COMPANY

LOCATION DAMAGE AREA &
CORRIDOR RIGHT-OF-WAY
ON FEE LANDS

(For MOON TRIBAL #1-11-54)

LOCATED IN
SECTIONS 2, 3 & 11, T5S, R4W, U.S.B.&M.
DUCESNE COUNTY, UTAH

Centerline of Proposed
Corridor Right-of-WayLEE H. MOON
KATHY MOON

S89°48'03"W - 2624.50' (Meas.)

Section Line

Set Stone

(400.10')

S89°37'19"W - 2595.01' (Meas.)

Set Stone

NOTE:
ENDING STA. 53+26.83 BEARS S61°36'28"E 1164.56'
FROM THE NORTH 1/4 CORNER OF SECTION 11, T5S,
R4W, U.S.B.&M.

END OF PROPOSED
CORRIDOR RIGHT-OF-WAY
ON FEE LANDS
STA. 53+26.83
(At Edge of Damage Area)

ELMER R. MOON
FAMILY PARTNERSHIPCORRIDOR RIGHT-OF-WAY DESCRIPTION
ON ELMER R. MOON FAMILY PARTNERSHIP

A 30' WIDE RIGHT-OF-WAY 15' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

BEGINNING AT A POINT ON THE NORTH LINE OF THE NW 1/4 NE 1/4 OF SECTION 11, T5S, R4W, U.S.B.&M. WHICH BEARS N89°37'19"E 400.10' FROM THE NORTH 1/4 CORNER OF SAID SECTION 11, THENCE S28°14'26"E 23.04'; THENCE S28°19'54"E 163.92'; THENCE S28°54'16"E 158.92'; THENCE S63°10'42"E 205.88'; THENCE S51°51'23"E 152.73'; THENCE S58°18'12"E 83.13'; THENCE S75°30'54"E 87.06' TO A POINT IN THE NW 1/4 NE 1/4 OF SECTION 11, WHICH BEARS S61°36'28"E 1164.56' FROM THE NORTH 1/4 CORNER OF SAID SECTION 11. THE SIDE LINES OF SAID DESCRIBED RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 0.602 ACRES MORE OR LESS.

Ute
Tribal

BASIS OF BEARINGS

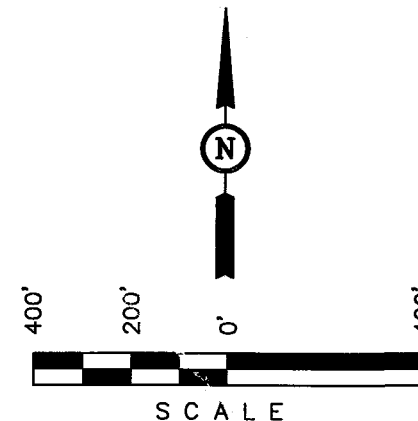
BASIS OF BEARINGS IS A G.P.S. OBSERVATION.

▲ = SECTION CORNERS LOCATED.

Sec. 11

1/4 Section Line

DAMAGE AREA
MOON TRIBAL #1-11-54
Contains 1.993 Acres



CERTIFICATE

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM
FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY
SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE
BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED LAND SURVEYOR
STATE OF UTAH
REGISTRATION NO. 161319
SE Cor Sec 11
Set Stone, Pile
of Stones

UINTAH ENGINEERING & LAND SURVEYING
85 SOUTH - 200 EAST • (435) 789-1017
VERNAL, UTAH - 84078

SCALE 1" = 400'	DATE 07-01-04
PARTY S.H. L.M. D.R.B.	REFERENCES G.L.O. PLAT
WEATHER WARM	FILE 4 3 5 0 8

N00°01'W - 2640.00' (G.L.O.)

N00°17'34"E - 5273.95' (Meas.)

RECEIVED AUG 11 2004

Berry Petroleum Company,
~~MOON-ute~~ Tribal #1-11-54 well:
A Cultural Resource Inventory for a well pad,
its access and pipeline,
Uintah-Ouray Ute Reservation,
Duchesne County, Utah

By
James A. Truesdale

James A. Truesdale
Principle Investigator

Prepared For
Berry Petroleum Co.
1614 South 2000 West
Roosevelt, Utah
84066

Prepared By
AN INDEPENDENT ARCHAEOLOGIST
P.O.Box 153
Laramie, Wyoming
82073

Utah Project # U-04-AY-625(i)

August 4, 2004

Table of Contents

Table of Contents	i
List of Figures	ii
Introduction	1
File Search	1
Environment	1
Ute Tribal #1-11-54	3
Field Methods	5
Results	6
Site 42DC1830	7
Recommendations	10
References Cited	11

List of Figures

- Figure 1. Location of the Berry Petroleum Co. proposed Ute Tribal #1-11-54 well, its access, pipeline, and site 42DC1830 on 7.5'/1964 USGS quadrangle map Duchesne SE, Duchesne County, Utah. - - - - - 2
- Figure 2. View to north at the proposed Ute Tribal #1-11-54 centerstake and well pad area - - - - - 4
- Figure 3. Oblique view to north of colluvial sandy clay loam deposits on and surrounding the proposed Ute Tribal #1-11-54 well pad. - - - - - 4
- Figure 4. View to east-southeast at 42DC1830 site area. - - - - 8
- Figure 5. Oblique view to south of rock cairn (42DC1830). - - - 8
- Figure 6. Site 42DC1830 sketch map. - - - - - 9

Introduction

An Independent Archaeologist (AIA) was contacted by a representative of Berry Petroleum Co., to conduct a cultural resources investigation of the proposed Ute Tribal #1-11-54 well, its access and pipeline.

The location of the project area is in the NE/NE 1/4 of Section 11, T5S, R4W, Duchesne County, Utah (Figure 1). The proposed Ute Tribal #1-11-54 well centerstake Alternate # 1 footage is 528' FNL and 1393 FEL. The Universal Transverse Mercator (UTM) centroid coordinate for the proposed Ute Tribal #1-11-54 well centerstake is Zone 12, North American Datum (NAD) 83, 05/59/779 mE 44/35/407 mN \pm 5 m.

The proposed Ute Tribal #1-11-54 well access trends 1600 feet (487.8 m) through the N/NW/NE 1/4 of Section 11 and the C/SW/SE 1/4 of Section 2 of T5S R4W (Figure 1). The proposed pipeline is 4700 feet (1432.9 m) long. The proposed pipeline parallels the west side of the access, crosses a existing oil and gas field service road, then continues 3100 feet (945.1 m) along the north side of the road to a existing pipeline.

The land surface is administered by the United States, Bureau of Indian Affairs, Phoenix Area Office, Uintah-Ouray Agency, and the Uintah-Ouray Ute tribe, Fort Duchesne, Utah. A total of 24.37 acres (10 block, and 14.37 linear) was surveyed. Fieldwork was authorized through an access permit issued by the Energy and Minerals Resource Division of the Uintah-Ouray Ute tribe. The field work was conducted on July 15 and 16, 2004 by AIA archaeologist James Truesdale, and accompanied by Leo Tapoof and Clarice Gilbert (technicians, Energy and Minerals Resource Division, Uintah-Ouray Ute tribe). All the field notes and maps are located in the AIA office in Laramie, Wyoming.

File Search

A GIS file search was conducted at the Utah Division of State History (UDSH), Antiquities Section, Records Division on July 6, 2004. In addition, AIA's USGS quadrangle Duchesne SE and Duchesne SW base maps were updated from UDSH Records division Duchesne SE and Duchesne SW base maps in November of 2003 and again on February 2, 2004. No projects and/or cultural resources have been previously recorded in or adjacent to the project area.

Environment

Physiographically, the project is located in the Uinta Basin, approximately 25 miles southwest of Myton, Utah. The Uinta Basin is structurally the lowest part of the Colorado Plateau geographical province (Thornbury 1965:425). The Uinta Basin is a

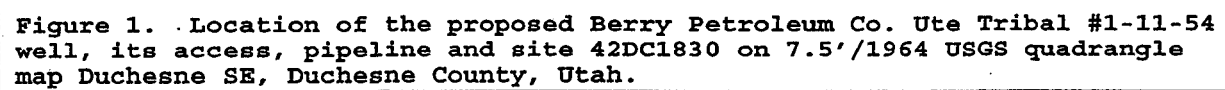


Figure 1. Location of the proposed Berry Petroleum Co. Ute Tribal #1-11-54 well, its access, pipeline and site 42DC1830 on 7.5'/1964 USGS quadrangle map Duchesne SE, Duchesne County, Utah.

large, relatively flat, bowl shaped, east-west asymmetrical syncline near the base of the Uinta Mountains (Stokes 1986:231). The topography is characteristic of sloping surfaces which incline northward and are mainly dip slopes on the harder layers of Green River and Uinta Formations. The terrain is characterized as having steep ridges and/or buttes of Uintah Formation sandstones and clays dissected by seasonal drainages and washes with wide flat alluvial plains. The basin contains a thick section of more than 9000 feet (2743.9 m) of early Tertiary rocks (Childs 1950). These rocks are mainly Paleocene and Eocene in age and consist of sandstone, clay and shale lacustrine, fluvial, and deltaic continental deposits, most famous of which are the lacustrine Green River Beds.

The project area is on Cottonwood Ridge which is a large southwest-northeast trending ridge that is positioned directly north of Sowers Canyon. Portions of the desert hardpan and bedrock in the Sowers Canyon area are covered with aeolian sand which may reach a depth of over 50 to 100 centimeters in areas. The Sowers Canyon drainage trends northeast approximately 2 miles to Antelope Creek and then 10 miles north to the Duchesne River.

Vegetation in the project area is characteristic of a Pinon/Juniper community. Species observed in the project area include; Pinyon pine (Pinus Edulis), juniper (Juniperus Osteosperma), curl-leaf mountain mahogany (Cercocarpus ledifolius), shadscale (Atriplex confertifolia), sand sage, (Artemesia filifolia), saltbush (Atriplex nuttallii), rabbitbrush (Chrysothamnus viscidiflorus), winterfat (Eurotia lanata), greasewood (Sarcobatus baileyi), Indian ricegrass (Oryzopsis hymenoides), desert needlegrass (Stipa speciosa), wild buckwheat, (Eriogonum ovvalifolium), silky lupine (Lupinus sericeus), desert globemallow (Bromus tectorum), sky rocket (Gilia aggregata), peppergrass (Lepidium perfoliatum), Russian thistle (Salsola kali), and prickly pear cactus (Opuntia spp.).

Ute Tribal #1-11-54

The immediate proposed Berry Petroleum Co. Ute Tribal #1-11-54 well is situated along the southern slope of a small west-east trending ridge (Figure 2). The well is also located at the head of a small ephemeral drainage. The small ridge is southern drainage slope of the much larger southwest-northeast trending Cottonwood Ridge/Bench system that is adjacent to Sowers Canyon. The top (crest) of the ridge exhibits ledges of sandstone. The vegetation on the well location contains sparse stands of Pinyon and Juniper trees while the remainder of the well pad area is dominated by sagebrush, saltbush, bunchgrasses and prickly pear cactus. The Pinyon/juniper, contain a understory of mountain mahogany, low sage, yucca, prickly pear cactus and bunchgrasses. Sediments on the proposed well location consist of shallow (<5 cm), tan to light brown, poorly sorted, loosely compacted, sandy clay loam colluvium

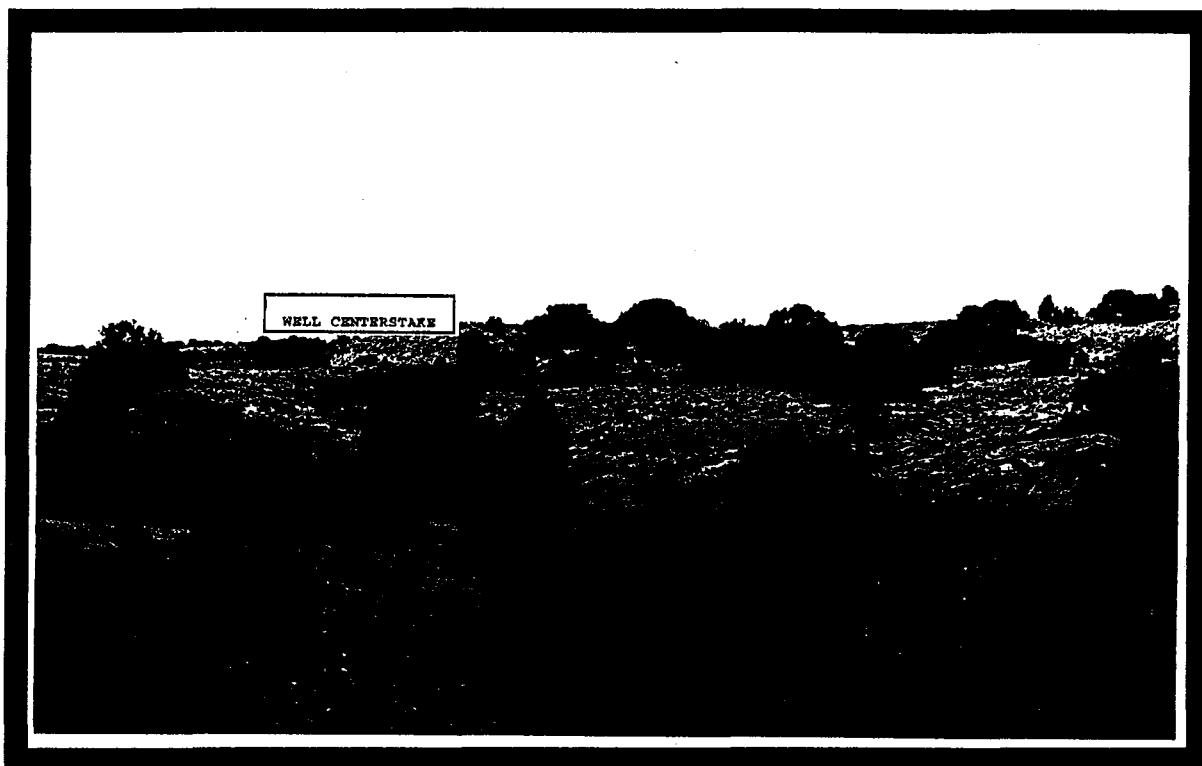


Figure 2. View to north at the proposed Ute Tribal #1-11-54 centerstake and well pad area.



Figure 3. Oblique view to north of colluvial sandy clay loam deposits on and surrounding the proposed Ute Tribal #1-11-54 well pad.

mixed with residual tiny small to medium sized angular pieces of Uintah formation sandstone, clays and shales (Figure 3).

From a existing oil and gas field service road, the proposed access trends 1600 feet (487.8 m) to the proposed well pad. The access begins by trending south-southeast over the top of a high upland hill top and then trends across several ridges to a small ridge. The access then follows the crest of a small northwest-southeast ridge to the proposed well pad. Sediments along the proposed access are colluvial in nature and consist of shallow (<10 cm), tan to light brown, poorly sorted, loosely compacted, sandy clay loam mixed with eroding sandstones, clay and shales. Vegetation along the access is characteristic of a low sagebrush community and contains low sagebrush, budsage, saltbush and bunchgrasses. The hill and ridge tops slopes are dominated by sparse stands of Pinyon and juniper trees with a understory of mountain mahogany, low sage, yucca and bunchgrasses.

From the proposed Ute Tribal #1-11-54 well, the proposed pipeline trends north along the western side of the access 1600 feet (487.8 m) to a existing oil and gas field service road. The pipeline then crosses the road and continues west along the north side of the road a additional 3100 feet (945.1 m) to a existing pipeline. The pipeline parallels the proposed access. The pipeline also parallels the north side of a existing oil and gas field service road. This existing road trends along the northern slope of a large broad west-east trending ridge, and crosses the head of several ephemeral drainage washes. The sediments along the north side of the existing road have been disturbed by previous construction and cyclic maintenance to the road.

The surrounding area vegetation is characteristic of a Pinyon/juniper community. Pinyon and juniper with a understory of mountain mahogany, low sagebrush, yucca, bunchgrasses along the hill and ridge slopes, while a low sagebrush community can be found on the ridge top flats and open parks. The proposed well location is located at an elevation of 6074.56 feet (1852 m) AMSL.

Field Methods

A total of 10 acres was surveyed around the centerstake of the proposed well location to allow for relocation of the pad if necessary. The survey was accomplished by walking transects spaced no more than 15 meters apart. The proposed access corridor surveyed is 1600 feet (487.8 m) long and 100 feet (30.4 m) wide, 3.67 acres. The proposed pipeline corridor surveyed is 4700 feet (1432.9 m) long and 100 feet (30.4 m) wide, 10.7 acres. Thus, 14.37 linear acres was surveyed.

Geologic landforms (rockshelters, alcoves, ridge tops and saddles) and areas of subsurface exposure (ant hills, blowouts,

rodent holes and burrow, eroding slopes and cutbanks) were examined with special care in order to locate cultural resources (sites, isolates) and possibly help assess a sites sedimentary integrity and potential for the presence and/or absence of buried intact cultural deposits. The entire surface area of ridge tops were covered. All exposures of sandstone cliff faces, alcoves or rockshelter, and talus slopes were surveyed.

When cultural materials are discovered, a more thorough survey of the immediate vicinity is conducted in order to locate any associated artifacts and to determine the horizontal extent (surface area) of the site. If no other artifacts are located during the search then the initial artifact was recorded as an isolated find. At times, isolated formal tools (typical end scrapers, projectile points) were drawn and measured. The isolate was then described and its location plotted on a U.S.G.S. topographic map and UTM coordinates are recorded.

When sites are found a Intermountain Antiquities Computer System (IMACS) form was used to record the site. At all sites, selected topographic features, site boundaries, stone tools and cultural features (hearths, foundations, trash dumps and trails) are mapped. Sites were mapped with a Brunton compass, Trimble Geophysical 3 GPS, and/or Gramin E-Trex GPS, and pacing off distances from a mapping station (datum). All debitage is inventoried using standard recording techniques (Truesdale 1995 et al 1995:7) according to material type, basic flake type, and so on. Selected (mostly complete) stone tools and projectile points are drawn and measured. All features (rockart panel(s), hearths, foundations, trash dumps and trails), measured and described, while selected features are either drawn or photographed.

Site location data is recorded by a Trimble Geophysical 3 Global Positioning System and/or a Gramin GPS III Plus or E-Trex GPS. Site elevation and Universal Transverse Mercator (UTM) grid data, its Estimated Position Error (EPE) and Dilution of Precision (DOP) were recorded. Using the GPS data, the site location was then placed on a USGS 7.5' quadrangle map.

Results

A total of 24.37 acres (10 block, 14.37 linear) were surveyed for cultural resources within and around the proposed Berry Petroleum Co. Ute Tribal #1-11-54 and along its access and pipeline. One site (42DC1830) was recorded during the survey. The site is a single small rock cairn. The site is considered not eligible for nomination and inclusion to the National Register of Historic Places. No additional cultural resources were recorded during the survey.

Site: 42DC1830

Location: C/S/NE/NW/NE 1/4 of Section 11, T5S R4W (Figure 1)
UTM Coordinate: Zone 12; 5/59/704.14 mE 44/35/407.89 mN ± 5 m

Setting: The site is situated on the extreme southwestern edge of a small west-east trending ridge (Figure 4). The top (crest) of the small ridge is covered with low sagebrush, budsage, saltbush, bunchgrasses (wheatgrass, cheatgrass, Indian rice-grass), and prickly pear cactus. Small stands of Pinyon/juniper with a understory of mountain mahogany, low sage, yucca and bunchgrasses can be found on the ridge top to the east. Sediments on the top (crest) of the ridge consists of shallow (<5 cm), tan to light brown, poorly sorted, loosely compacted sandy clay loam mixed with white to tan small flat angular pieces of sandstone and shale. The elevation is 6133.6 feet (1870 m) AMSL.

Description: Site (42DC1830) is a single small rock cairn (Figure 5). The cairn consists of nine (n=9) large angular to sub-rounded pieces of sandstone that measures 101 cm (N-S) and 73 cm (E-W), 80.3 sq cm (Figure 6). The cairn has collapsed and is considered to be in poor condition. The age of the rock cairn is unknown.

The cairn is considered to be associated with the ranching activities in the area. The rock cairn is most likely used as a monument or location marker so that herders and ranchers can move their herds across the Cottonwood Ridge area.

No additional artifacts (cans, bottle glass, wire, wood) and/or features (firepits, rock cairn) were recorded in association with the rock cairn. Eroding slopes and rodent burrow holes surrounding the rock cairn indicate that sediments are shallow (<10 cm) and consist of sandy clay loam mixed with small angular pieces of sandstone. Therefore, the possibility of buried and/or intact cultural materials near or around, and associated with the rock cairn is low. Thus the site is not considered to be significant.

National Register Status: Site 42DC1830 has been inventoried, recorded, mapped, but not tested. The site is a rock cairn of unknown age. The cairn is considered to be associated with the ranching activities in the area. The rock cairn is most likely used as a monument or location marker so that herders and ranchers can move their herds across the Cottonwood Ridge area. Eroding slopes and rodent burrow holes surrounding the rock cairn indicate that sediments are shallow (<10 cm) and consist of sandy clay loam mixed with small angular pieces of sandstone. Therefore, the possibility of buried and/or intact cultural materials near or around, and associated with the rock cairn is low. Thus the site is not considered to be significant. In addition, the rock cairn does not exhibit a unique of architectural style or type of construction technique. Thus site 42DC1830 is considered not

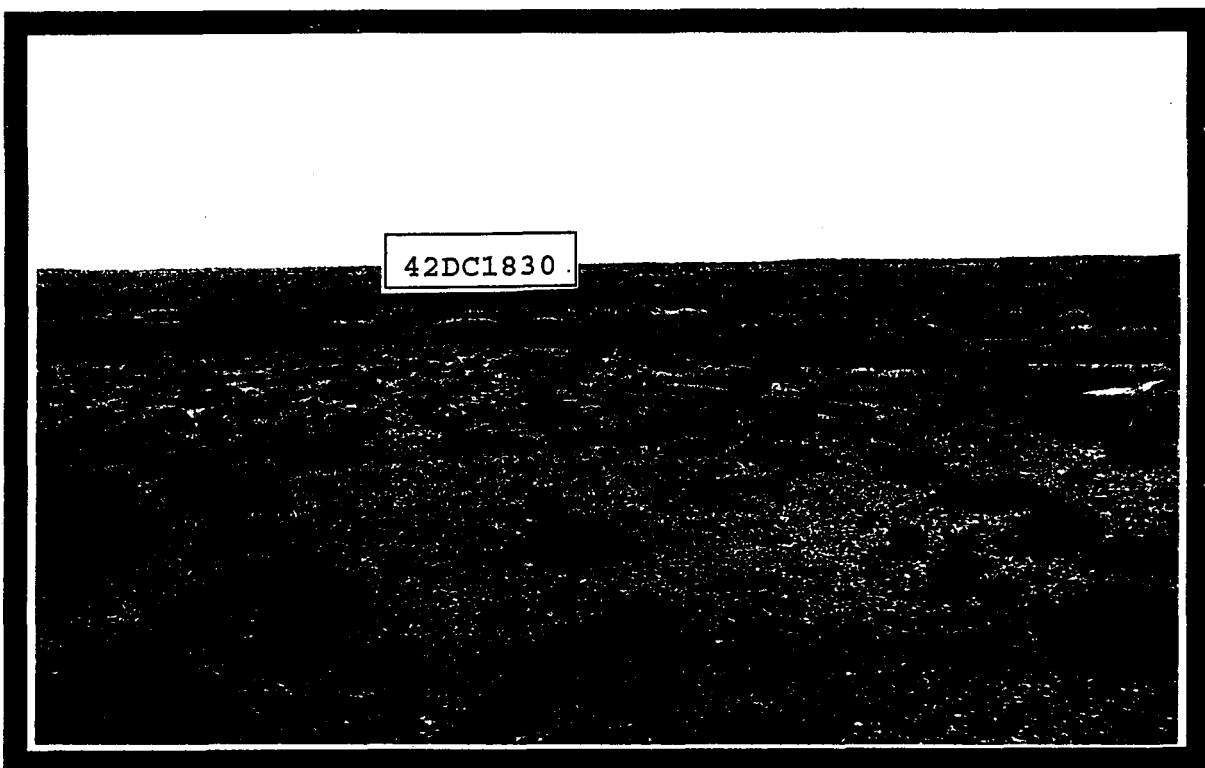


Figure 4. View to east-southeast at 42DC1830 site area.



Figure 5. Oblique view to south of rock cairn (42DC1830).

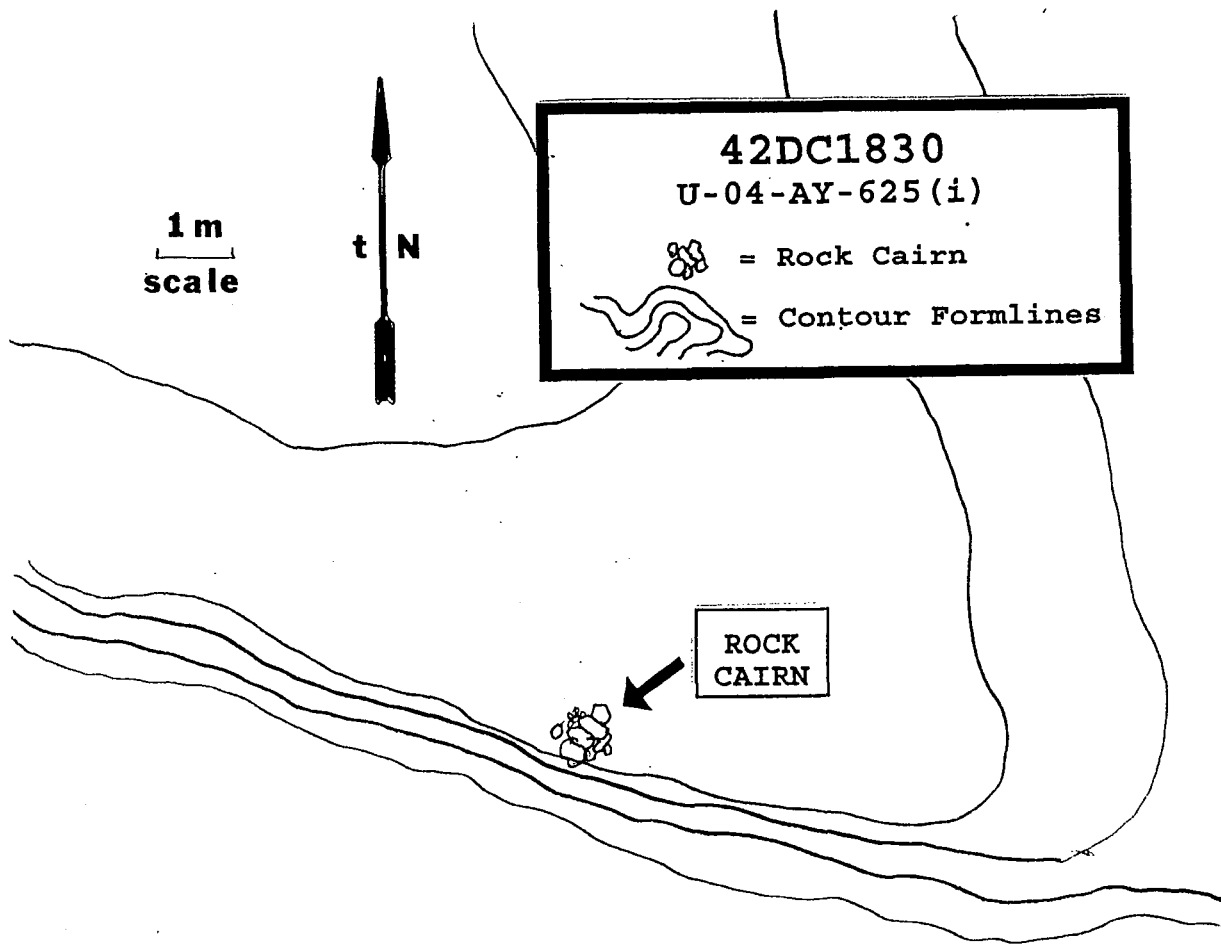


Figure 6. Site 42DC1830 sketch map.

eligible for nomination and/or inclusion to the National Register of Historic Places.

Recommendations

A total of 24.37 acres (10 block, 14.37 linear) were surveyed for cultural resources within and around the proposed Berry Petroleum Co. Ute Tribal #1-11-54 and along its access and pipeline.

One site (42DC1830) was recorded during the survey. The site is a single small rock cairn. The site is considered not eligible for nomination and inclusion to the National Register of Historic Places. No additional artifacts (cans, bottle glass, wire, wood) and/or features (firepits, rock cairn) were recorded in association with the rock cairn. Eroding slopes and rodent burrow holes surrounding the rock cairn indicate that sediments are shallow (<10 cm) and consist of sandy clay loam mixed with small angular pieces of sandstone. Therefore, the possibility of buried and/or intact cultural materials near or around, and associated with the rock cairn is low. Thus the site is not considered to be significant.

The rock cairn is located along the proposed access and pipeline corridor. As is the standard operating procedure of the Uintah-Ouray Ute tribe all cultural materials (sites and/or isolates) are to be avoided. Therefore, construction of the proposed access and pipeline will not impact the site.

No additional cultural resources were recorded during the survey. The possibility of buried and intact cultural materials located on the proposed well pad or along its, access and pipeline is low. Construction of the proposed well pad will avoid impacting the recorded site (42DC1830).

Therefore, no additional archaeological work is necessary and clearance is recommended for the construction of the proposed Ute Tribal #1-11-54 well pad, its access and flowline.

REFERENCES CITED

Childs, O.E.

- 1950 Geologic history of the Uinta Basin, Utah Geological and Mineralogical Survey. Guidebook to the Geology of Utah, NO. 5:49-59.

Stokes, William Lee

- 1986 Geology of Utah. Contributions by Utah Museum of Natural History, and the Utah Geological and Mineral Survey Department of Natural Resources. Utah Museum of Natural History, Occasional Papers, Number 6.

Thornbury, William D.

- 1965 Regional Geomorphology of the United States. John Wiley & Sons, Inc.

Truesdale, James A., Kathleen E Hiatt, and Clifford Duncan

- 1995 Cultural Resource Inventory of the Proposed Ouray Gravel Pit Location, Uintah-Ouray Ute Reservation, Uintah County, Utah. Report prepared for U & W Construction, Ft. Duchesne, Utah by AIA, Laramie, Wyoming.

BERRY PETROLEUM COMPANY

MOON TRIBAL #1-11-54

LOCATED IN DUCHESNE COUNTY, UTAH
SECTION 11, T5S, R4W, U.S.B.&M.

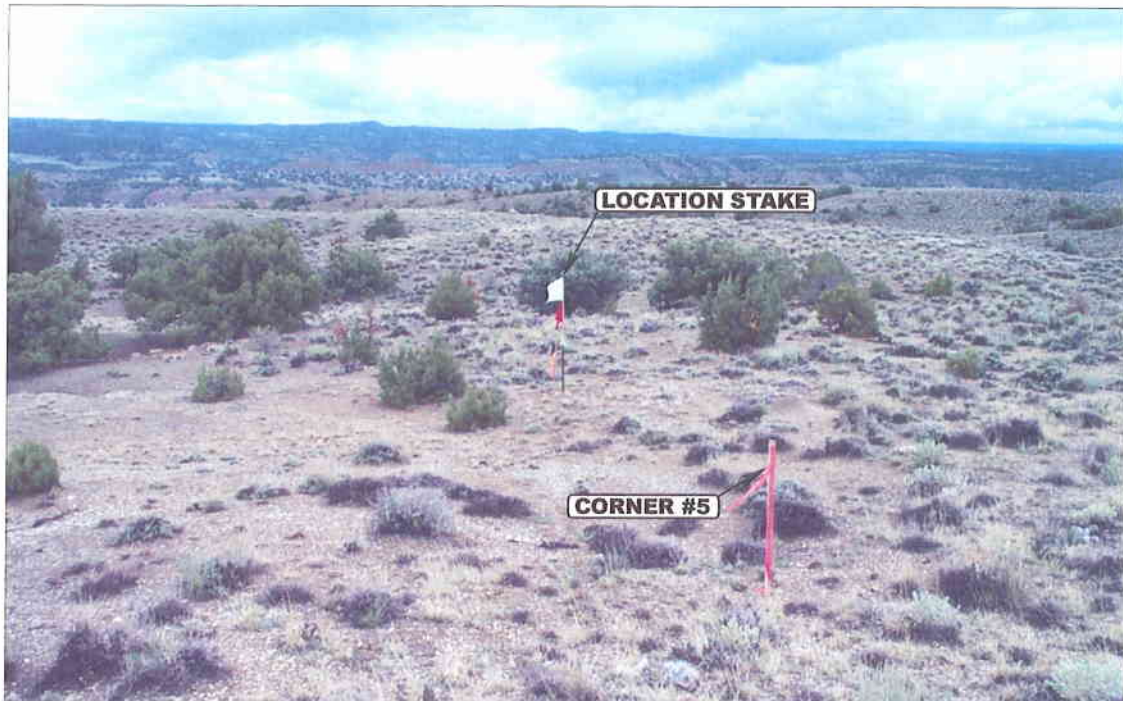


PHOTO: VIEW FROM CORNER #5 TO LOCATION STAKE

CAMERA ANGLE: SOUTHERLY



PHOTO: VIEW FROM BEGINNING OF PROPOSED ACCESS

CAMERA ANGLE: SOUTHERLY



- Since 1964 -

Uintah Engineering & Land Surveying
85 South 200 East Vernal, Utah 84078
435-789-1017 uels@uelsinc.com

LOCATION PHOTOS

08 03 04
MONTH DAY YEAR

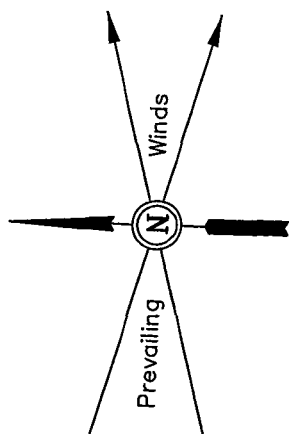
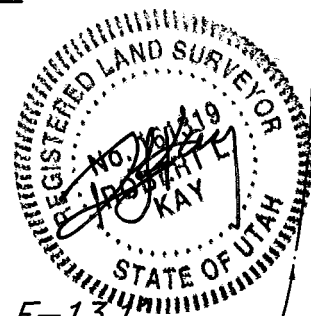
PHOTO

TAKEN BY: S.H.

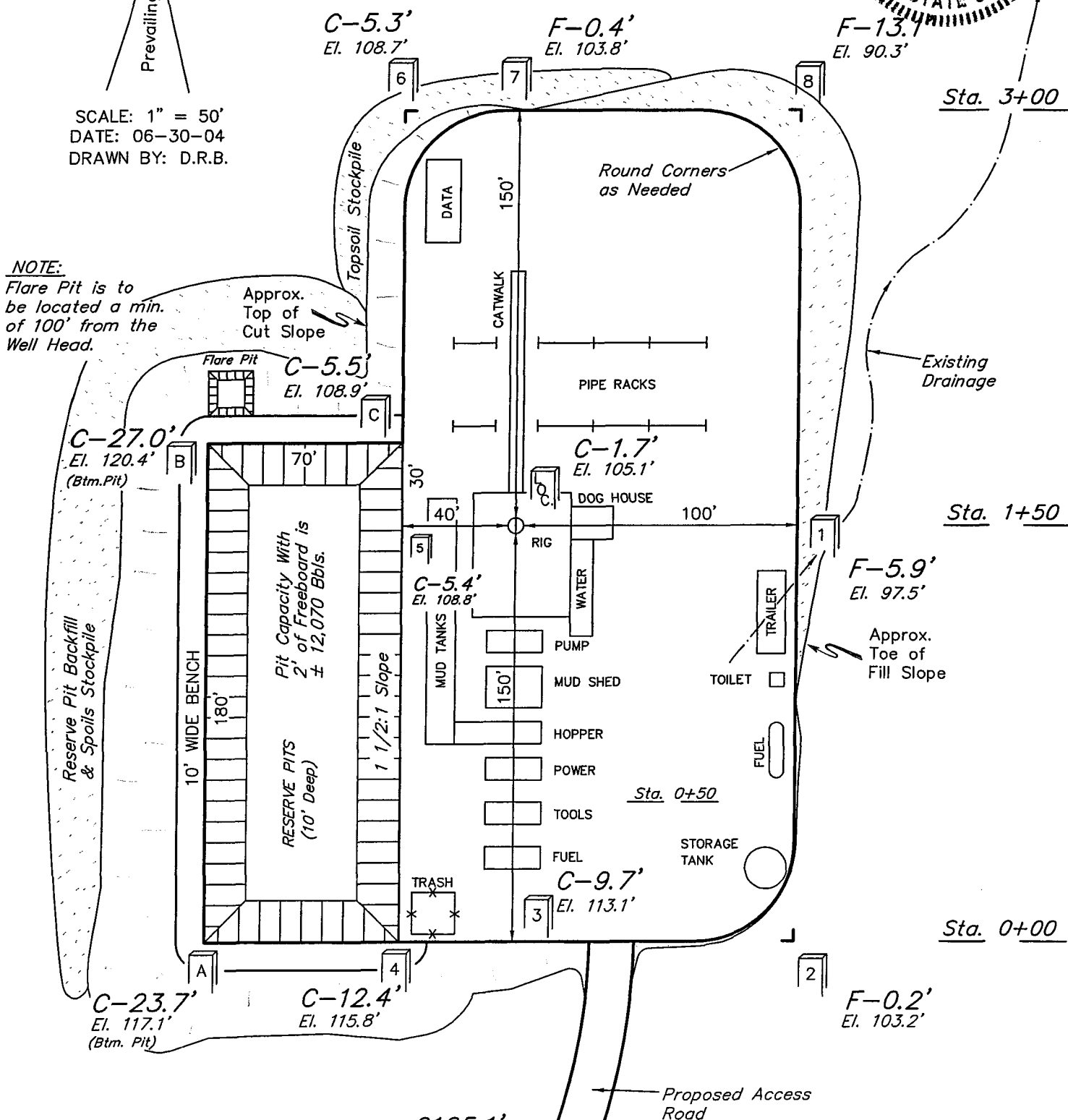
DRAWN BY: P.M.

REVISED: 00-00-00

LOCATION LAYOUT FOR
MOON TRIBAL ~~##~~^Z-11-54
SECTION 11, T5S, R4W, U.S.B.&M.
528' FNL 1394' FEL



NOTE:
Flare Pit is to
be located a min.
of 100' from the
Well Head.



Elev. Ungraded Ground at Location Stake = 6105.1'
Elev. Graded Ground at Location Stake = 6103.4'

UTAH ENGINEERING & LAND SURVEYING
 85 So. 200 East * Vernal, Utah 84078 * (435) 789-1017

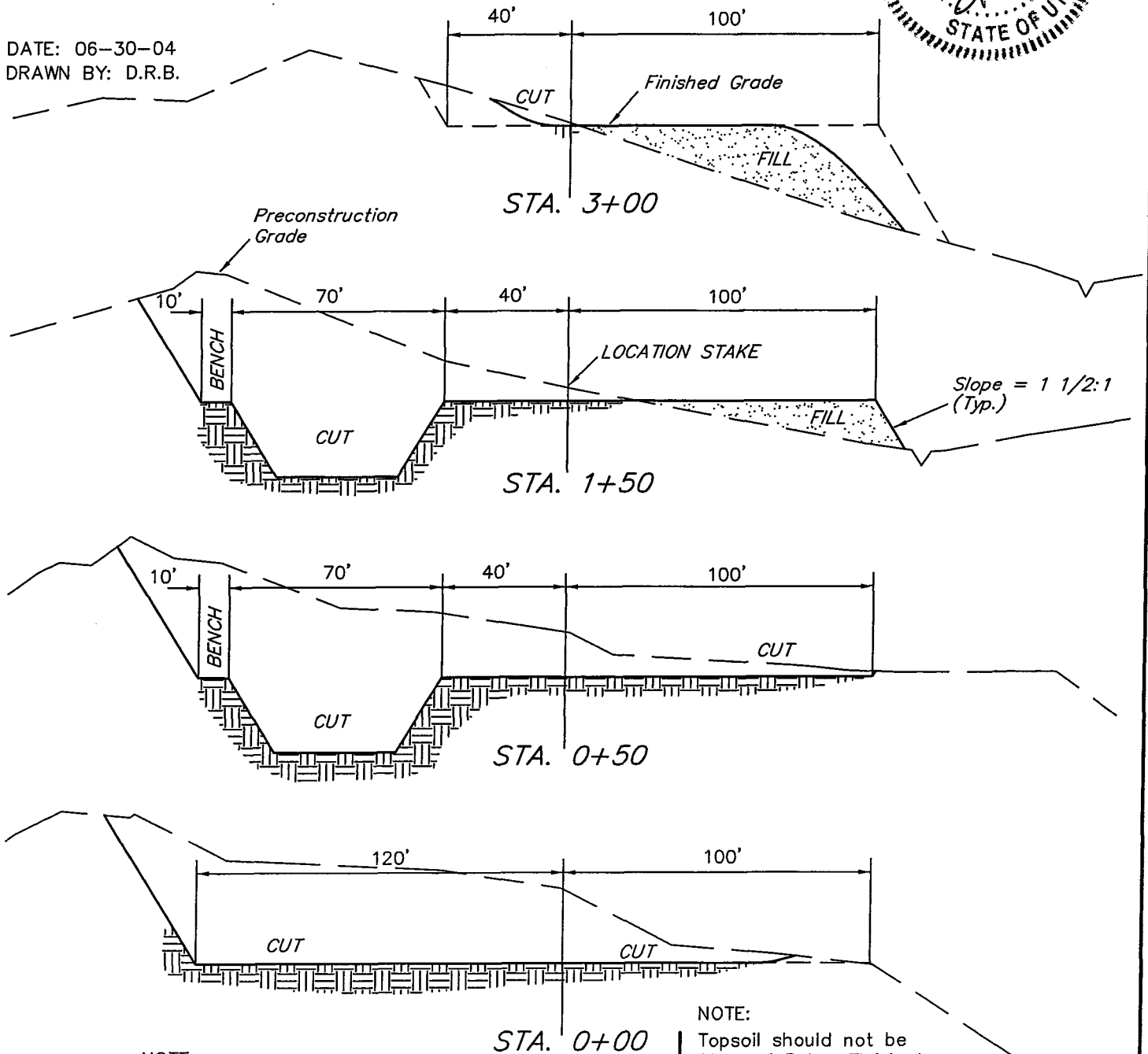
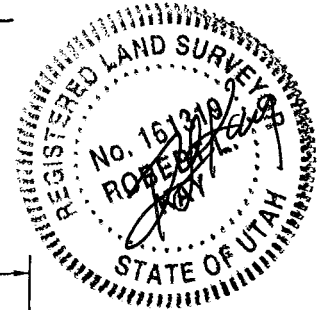
BERRY PETROLEUM COMPANY

TYPICAL CROSS SECTIONS FOR

MOON TRIBAL #1-11-54
SECTION 11, T5S, R4W, U.S.B.&M.
528' FNL 1394' FEL

1" = 20'
X-Section
Scale
1" = 50'

DATE: 06-30-04
DRAWN BY: D.R.B.



* NOTE:
FILL QUANTITY INCLUDES
5% FOR COMPACTION

NOTE:

Topsoil should not be
Stripped Below Finished
Grade on Substructure Area.

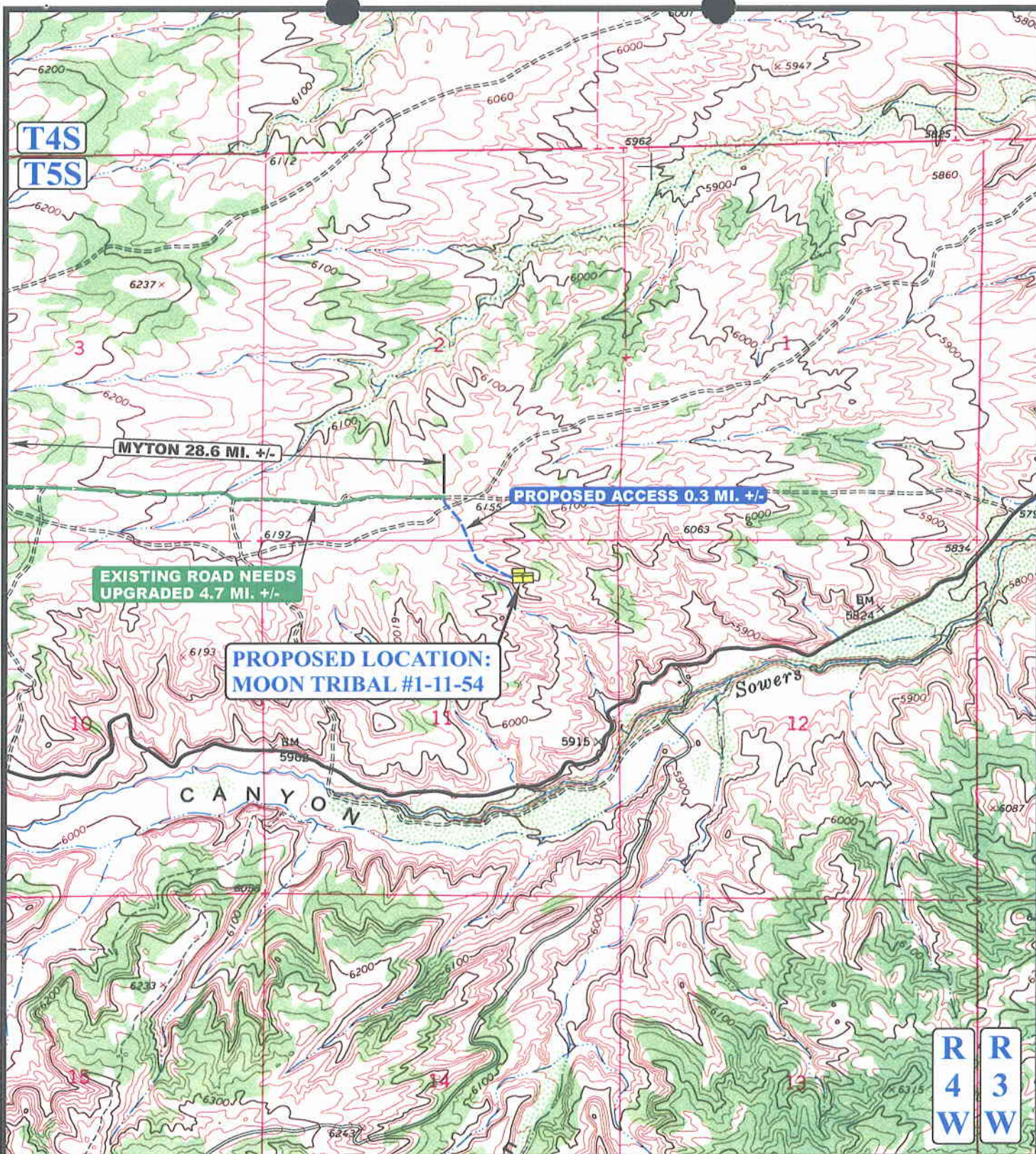
APPROXIMATE YARDAGES

CUT
(12") Topsoil Stripping = 2,870 Cu. Yds.
Remaining Location = 14,450 Cu. Yds.
TOTAL CUT = 17,320 CU.YDS.
FILL = 4,940 CU.YDS.

EXCESS MATERIAL = 12,380 Cu. Yds.
Topsoil & Pit Backfill = 4,570 Cu. Yds.
(1/2 Pit Vol.)
EXCESS UNBALANCE = 7,810 Cu. Yds.
(After Rehabilitation)

UINTAH ENGINEERING & LAND SURVEYING
85 So. 200 East * Vernal, Utah 84078 * (435) 789-1017





LEGEND:

- EXISTING ROAD
- PROPOSED ACCESS ROAD
- EXISTING ROAD NEEDS UPGRADED



BERRY PETROLEUM COMPANY

MOON TRIBAL #1-11-54
SECTION 11, T5S, R4W, U.S.B.&M.
528' FNL 1394' FEL



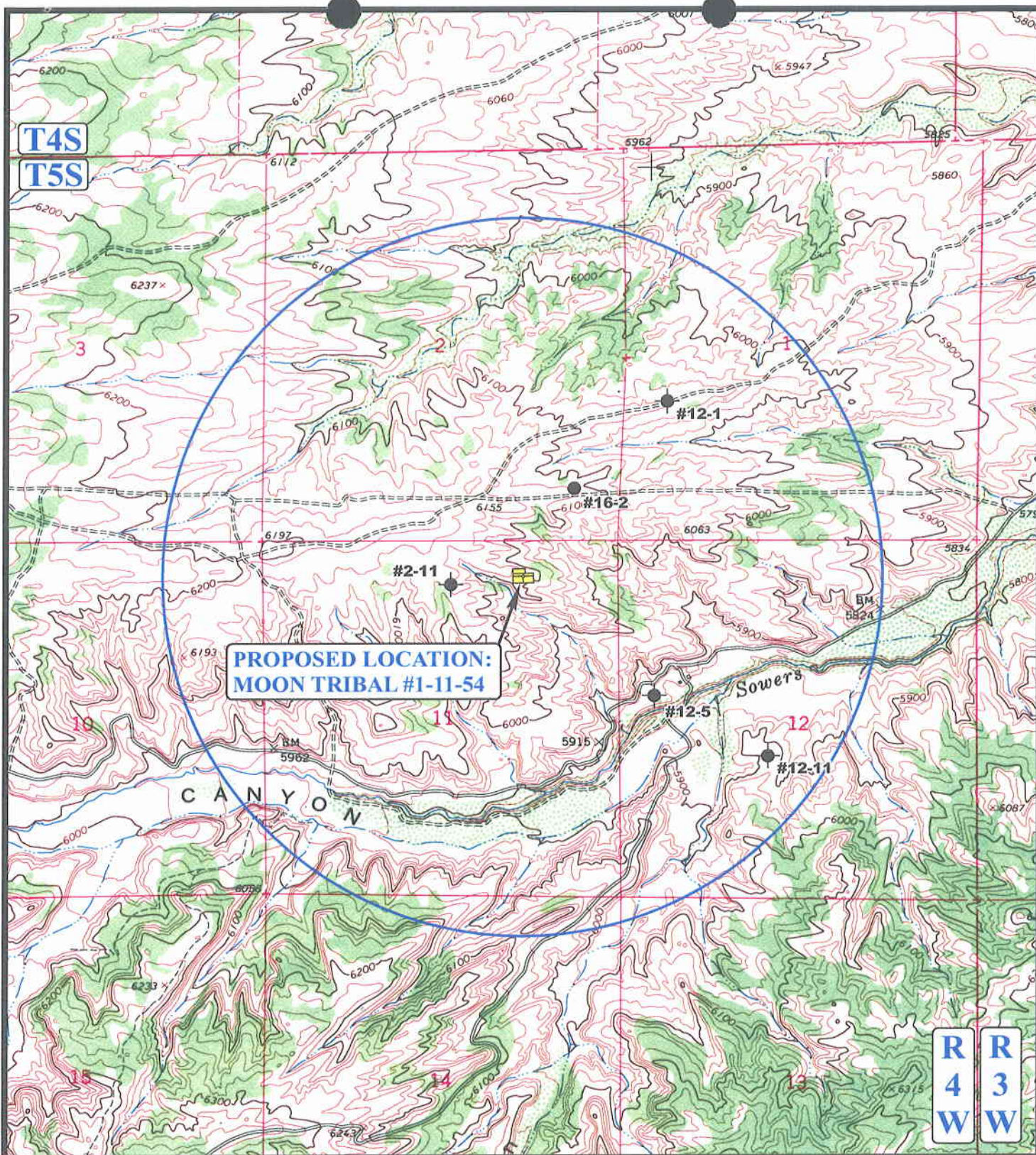
Uintah Engineering & Land Surveying
85 South 200 East Vernal, Utah 84078
(435) 789-1017 * FAX (435) 789-1813

TOPOGRAPHIC
MAP

08 03 04
MONTH DAY YEAR

SCALE: 1" = 2000' DRAWN BY: P.M. REVISED: 00-00-00





LEGEND:

- | | |
|-------------------|-------------------------|
| ⊘ DISPOSAL WELLS | ⊘ WATER WELLS |
| ● PRODUCING WELLS | ⊘ ABANDONED WELLS |
| ● SHUT IN WELLS | ⊘ TEMPORARILY ABANDONED |

BERRY PETROLEUM COMPANY

MOON TRIBAL #1-11-54
SECTION 11, T5S, R4W, U.S.B.&M.
528' FNL 1394' FEL



Uintah Engineering & Land Surveying
 85 South 200 East Vernal, Utah 84078
 (435) 789-1017 * FAX (435) 789-1813

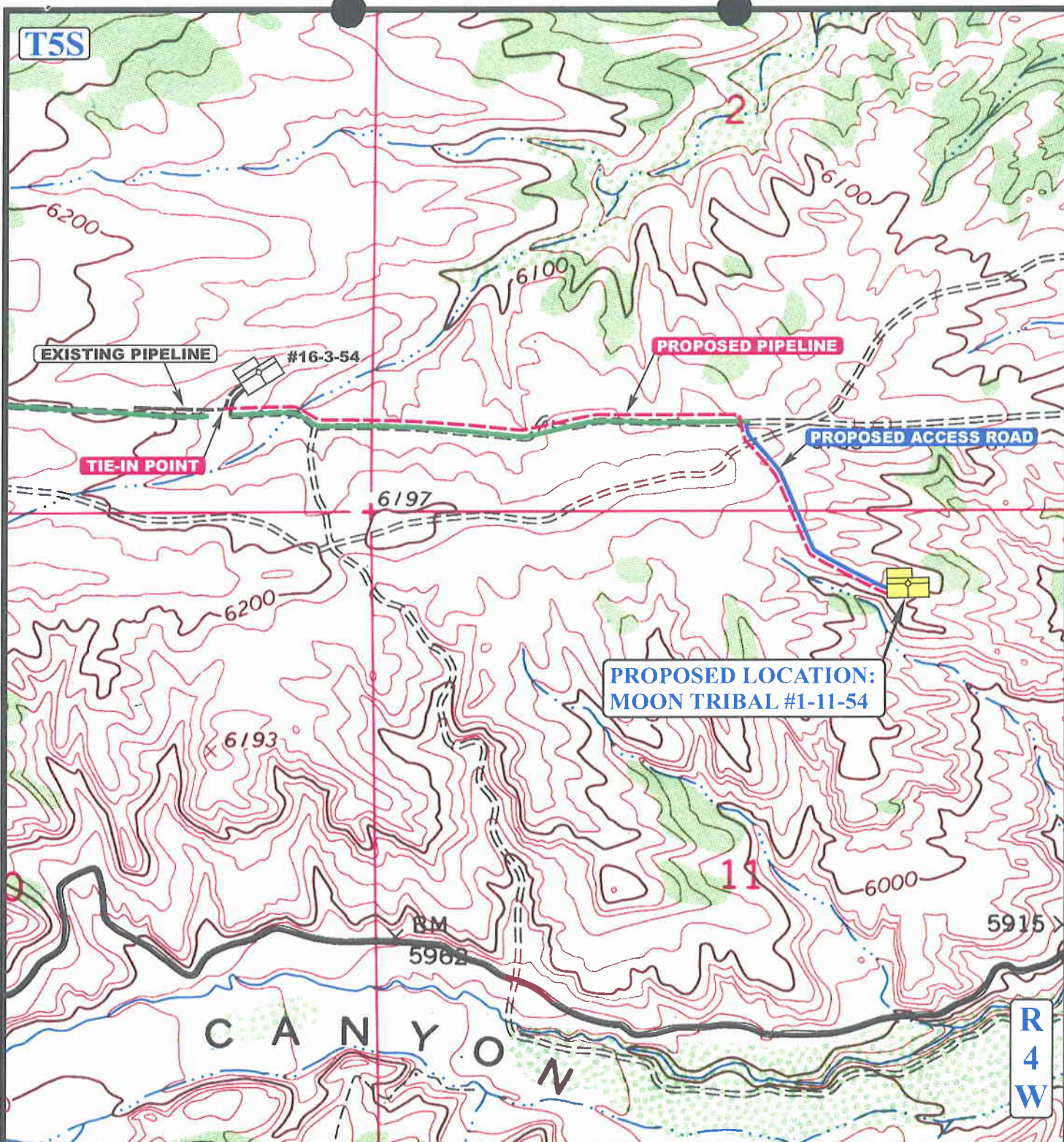


TOPOGRAPHIC
MAP

08 03 04
 MONTH DAY YEAR

SCALE: 1" = 2000' DRAWN BY: P.M. REVISED: 00-00-00





APPROXIMATE TOTAL PIPELINE DISTANCE = 5,352' +/-

LEGEND:

- PROPOSED ACCESS ROAD
- EXISTING PIPELINE
- PROPOSED PIPELINE



BERRY PETROLEUM COMPANY

MOON TRIBAL #1-11-54
SECTION 11, T5S, R4W, U.S.B.&M.
528' FNL 1394' FEL



Uintah Engineering & Land Surveying
 85 South 200 East Vernal, Utah 84078
 (435) 789-1017 * FAX (435) 789-1813

TOPOGRAPHIC MAP **08 03 04**
 MONTH DAY YEAR
 SCALE: 1" = 1000' DRAWN BY: P.M. REVISED: 00-00-00



005

WORKSHEET
APPLICATION FOR PERMIT TO DRILL

APD RECEIVED: 10/18/2004

API NO. ASSIGNED: 43-013-32686

WELL NAME: MOON TRIBAL 2-11-54

OPERATOR: BERRY PETROLEUM COMPANY (N2480)

CONTACT: DEBBIE WISENER

PHONE NUMBER: 435-722-1325

PROPOSED LOCATION:

NWNE 11 050S 040W

SURFACE: 0528 FNL 1394 FEL

BOTTOM: 0528 FNL 1394 FEL

DUCHESNE

BRUNDAGE CANYON (72)

LEASE TYPE: 2 - Indian

LEASE NUMBER: 14-20-H62-4778

SURFACE OWNER: 4 - Fee

PROPOSED FORMATION: GRRV

COALBED METHANE WELL? NO

INSPECT LOCATN BY: / /

Tech Review	Initials	Date
Engineering		
Geology		
Surface		

LATITUDE: 40.06688

LONGITUDE: -110.2983

RECEIVED AND/OR REVIEWED:

☒ Plat
☒ Bond: Fed[] Ind[2] Sta[] Fee[]
(No. RLB0005651)
☒ Potash (Y/N)
☒ Oil Shale 190-5 (B) or 190-3 or 190-13
☒ Water Permit
(No. 43-11041)
☒ RDCC Review (Y/N)
(Date:)
☒ Fee Surf Agreement (Y/N)

LOCATION AND SITING:

R649-2-3.

Unit

R649-3-2. General

Siting: 460 From Qtr/Qtr & 920' Between Wells

☒ R649-3-3. Exception

Drilling Unit

Board Cause No: _____

Eff Date: _____

Siting: _____

R649-3-11. Directional Drill

COMMENTS:

Opp. Separate Files
Needs Pressure (10-26-04)

STIPULATIONS:

1- Federal Approval
2- Spacing Wp
3- STATEMENT OF BASIS



OPERATOR: BERRY PETROLEUM CO (N2480)

SEC. 11 T.5S R.4W

FIELD: BRUNDAGE CANYON (72)

COUNTY: DUCHESNE

SPACING: R649-3-3 / EXCEPTION LOCATION



Utah Oil Gas and Mining

Wells	Units.shp	Fields.shp
★ GAS INJECTION	□ EXPLORATORY	□ ABANDONED
● GAS STORAGE	□ GAS STORAGE	□ ACTIVE
× LOCATION ABANDONED	□ NF PP OIL	□ COMBINED
⊕ NEW LOCATION	□ NF SECONDARY	□ INACTIVE
⊕ PLUGGED & ABANDONED	□ PENDING	□ PROPOSED
★ PRODUCING GAS	□ PI OIL	□ STORAGE
● PRODUCING OIL	□ PP GAS	□ TERMINATED
⊕ SHUT-IN GAS	□ PP GEOTHERML	
⊕ SHUT-IN OIL	□ PP OIL	
× TEMP. ABANDONED	□ SECONDARY	
○ TEST WELL	□ TERMINATED	
▲ WATER INJECTION		
● WATER SUPPLY		
★ WATER DISPOSAL		



PREPARED BY: DIANA WHITNEY
DATE: 18-OCTOBER-2004

**DIVISION OF OIL, GAS AND MINING
APPLICATION FOR PERMIT TO DRILL
STATEMENT OF BASIS**

OPERATOR: Berry Petroleum Company
WELL NAME & NUMBER: Moon Tribal #2-11-54
API NUMBER: 43-013-32686
LOCATION: 1/4, 1/4 NW/NE SEC: 11 TWP: 05 S RNG: 04 W 528 FN_L 1394 FE_L

Geology/Ground Water:

The proposed well is located on mineral leases owned by the Ute Indian tribe. Evaluation and approval of the drilling and casing program will be done by the BLM.

Reviewer: Brad Hill **Date:** 10/27/04

Surface:

A presite investigation was done by the Division of the surface area to take input and address issues regarding the construction of said location. Lee Moon was invited to the onsite as the landowner and/or family partnership. Lee Moon explained that this portion of their property is used for about three months as spring pasture for cattle operations. Lee asked that a cattle guard be installed anywhere a fence line is crossed because people don't close gates. He also requested an adjacent gate by each cattle guard to move their livestock from one pasture to the next. Furthermore, the location should probably be fenced to keep cattle off the location because of damage to equipment and bermed areas.

Berry plans on submitting alternate access road requests and accessing this location from Sowers Canyon (or the east) past two existing oil wells. Clint Turner was asked to make the necessary changes and get a sign off from Lee Moon, as it belongs to him.

This location is outside the 200 foot tolerance allowed by State 40 acre siting rules and will need an exception request submitted to the Division before the drilling permit is issued. The legal staking of this well does fall in a canyon west of the location and was moved because of topography.

Ed Courtright did explain to Lee Moon that Berry Petroleum's operating practice requires a felt liner and 20 mil liner in their reserve pits. Therefore, the division shall hold Berry to the own standards regarding reserve pit construction and lining.

Reviewer: Dennis L. Ingram **Date:** October 26, 2004

Conditions of Approval/Application for Permit to Drill:

1. A synthetic liner with a thickness of 20 mils with a felt subliner shall be properly installed and maintained in the reserve pit.

ON-SITE PREDRILL EVALUATION
Division of Oil, Gas and Mining

OPERATOR: Berry Petroleum Company
WELL NAME & NUMBER: Moon Tribal 2-11-54
API NUMBER: 43-013-32686
LEASE: FEE/Indian FIELD/UNIT: Wildcat
LOCATION: 1/4, 1/4 NW/NE Sec: 11 TWP: 5S RNG: 4W 528 FNL 1394 FEL
LEGAL WELL SITING: 460 F SEC. LINE; 460 F 1/4, 1/4 LINE; 920 F ANOTHER WELL.
GPS COORD (UTM): X =0559854 E; Y =4435199 N SURFACE OWNER: Elmer Moon

PARTICIPANTS

Dennis L. Ingram (DOGM) Eddie Courtright (Berry) Lee Moon (Landowner Representative)

REGIONAL/LOCAL SETTING & TOPOGRAPHY

Location is proposed approximately 17.2 miles south of Myton, Utah and .75 miles north of the Sowers Canyon Road where Nutters and Brundage access roads turn south into the hub of the Berry production, or the Brundage Field. Cottonwood Ridge is the northern and western ridge up this major drainage, and slopes north and east toward Highway 40 or the Duchesne River. Sowers Canyon does have Antelope Creek flowing north along its bottom. Lee Moon stated he has a water well approximately 2.0 miles east of this location just below the Antelope Canyon/Sowers Canyon junction that produces several hundred gallons of irrigation water per minute.

SURFACE USE PLAN

CURRENT SURFACE USE: Spring pasture for cattle; recreational hunting, presently a CWMU unit.

PROPOSED SURFACE DISTURBANCE: Upgrade 4.7 miles of existing two-track road and built 0.3 +/- miles of new access road, plus location measuring 300'x 140' plus temporary reserve pit and soil stockpile storage outside of described area.

LOCATION OF EXISTING WELLS WITHIN A 1 MILE RADIUS: #12-1; #16-2; #2-11; #12-5; #12-1.

LOCATION OF PRODUCTION FACILITIES AND PIPELINES: Production facilities and equipment are proposed on site, with pipeline planned along new access road and existing two-track west to Cottonwood Ridge.

SOURCE OF CONSTRUCTION MATERIAL: Native cut and fill using borrow material

ANCILLARY FACILITIES: Information was submitted to DOGM on SOP

WILL DRILLING AT THIS LOCATION GENERATE PUBLIC INTEREST OR CONCERNS?
(EXPLAIN): NO

WASTE MANAGEMENT PLAN:

Submitted to the Division on SOP, August 10, 2004

ENVIRONMENTAL PARAMETERS

AFFECTED FLOODPLAINS AND/OR WETLANDS: N/A

FLORA/FAUNA: Lower end of Pinyon/juniper habitat, PJ, shadscale, prickly pear cactus, bunch grass observed on location surface; mule deer tracks observed on location, elk winter range, coyote, rabbit, bobcat, mountain and smaller mammals and bird life .

SOIL TYPE AND CHARACTERISTICS: Light tan, fine-grained sandy loam with some sandstone outcroppings just below location.

SURFACE FORMATION & CHARACTERISTICS: Uintah

EROSION/SEDIMENTATION/STABILITY: Minor erosion, some sedimentation, no stability problems anticipated.

PALEONTOLOGICAL POTENTIAL: None observed during presite

RESERVE PIT

CHARACTERISTICS: Proposed on northwest side of location in cut and measuring 180'x 70'x 10' deep, with pit and wellhead adjacent or parallel to prevailing winds.

LINER REQUIREMENTS (Site Ranking Form attached): 25 points

SURFACE RESTORATION/RECLAMATION PLAN

According to landowner/operator agreement or reshape and contour.

SURFACE AGREEMENT: Yes

CULTURAL RESOURCES/ARCHAEOLOGY: FEE Lands, wavier required

OTHER OBSERVATIONS/COMMENTS

Access was proposed in from west but was accessed during presite from east past the #16-2 location, new access road stayed along a ridge top which drops off to the south into location, location was staked just off a ridge top in a small bowl or bench or the head of a wash that flows toward Sowers Canyon, surface slopes south/southeast, location was an alternate location moved because of topography,

ATTACHMENTS

Photos of this location were taken and placed on file.

Dennis L. Ingram
DOGM REPRESENTATIVE

October 26, 2004 9:00 AM
DATE/TIME

**Evaluation Ranking Criteria and Ranking Score
For Reserve and Onsite Pit Liner Requirements**

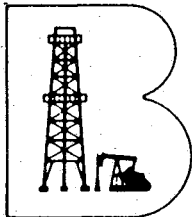
<u>Site-Specific Factors</u>	<u>Ranking</u>	<u>Site Ranking</u>
Distance to Groundwater (feet)		
>200	0	
100 to 200	5	
75 to 100	10	
25 to 75	15	
<25 or recharge area	20	<u>0</u>
Distance to Surf. Water (feet)		
>1000	0	
300 to 1000	2	
200 to 300	10	
100 to 200	15	
< 100	20	<u>0</u>
Distance to Nearest Municipal Well (feet)		
>5280	0	
1320 to 5280	5	
500 to 1320	10	
<500	20	<u>0</u>
Distance to Other Wells (feet)		
>1320	0	
300 to 1320	10	
<300	20	<u>0</u>
Native Soil Type		
Low permeability	0	
Mod. permeability	10	
High permeability	20	<u>20</u>
Fluid Type		
Air/mist	0	
Fresh Water	5	
TDS >5000 and <10000	10	
TDS >10000 or Oil Base Mud Fluid	15	
containing significant levels of hazardous constituents	20	<u>5</u>
Drill Cuttings		
Normal Rock	0	
Salt or detrimental	10	<u>0</u>
Annual Precipitation (inches)		
<10	0	
10 to 20	5	
>20	10	<u>0</u>
Affected Populations		
<10	0	
10 to 30	6	
30 to 50	8	
>50	10	<u>0</u>
Presence of Nearby Utility Conduits		
Not Present	0	
Unknown	10	
Present	15	<u>0</u>

Final Score 25 (Level I Sensitivity)

Sensitivity Level I = 20 or more; total containment is required, consider criteria for excluding pit use.

Sensitivity Level II = 15-19; lining is discretionary.

Sensitivity Level III = below 15; no specific lining is required.



Berry Petroleum Company

Brundage Canyon Field

1614 South 2000 West
Rt. 3 Box 3020
Roosevelt, UT 84066

Ph. (435) 722-1325

Fax: (435) 722-1321

www.bry.com

October 27, 2004

State of Utah
Department of Natural Resources
Division of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Re: Oil and Gas Conservation General Rules
R649-3-3 Exception to Location and Siting of Wells.
Moon Tribal No. 2-11-54

Gentlemen:

Berry Petroleum Company is proposing to drill a development well in the Brundage Canyon Field, Duchesne County, Utah. The well is located on lands within the Uintah and Ouray Ute Indian Reservation. A copy of the Federal Application for Permit to Drill (APD) is attached for your review. This APD has been submitted to the Bureau of Land Management (BLM) in Vernal and the Bureau of Indian Affairs (BIA) at Ft. Duchesne.

As shown on the attached staking plat, the proposed location for the Moon Tribal No. 2-11-54 falls outside of the allowed standard well spacing (R649-3-2). Berry is requesting an exception to the spacing requirement per regulation R649-3-3 since Berry was unable to locate the proposed well within the allowed spacing "window" due to topographic constraints. The staked footages represent the closest accessible location to the spacing "window".

In accordance with R649-3-3, Berry is providing a copy of the staking plat showing the proposed location in relation to the allowed spacing "window" and all tracts contacted by a circle with a radius of 460'. A second plat is also attached showing the actual or recently proposed location for all direct or diagonal offsetting wells. As to the 460' radius circle, Berry is also the owner of the adjacent NE/4, NE/4 of Section 11.

Berry is requesting approval of this excepted location as proposed. If additional information is required, please contact Dan Anderson at (303) 825-3344.

Sincerely,

Debbie L. Wisener
Production & Regulatory Technician

enclosures

RECEIVED

NOV 16 2004

DIV. OF OIL, GAS & MINING



State of Utah

Department of
Natural Resources

ROBERT L. MORGAN
Executive Director

Division of
Oil, Gas & Mining

LOWELL P. BRAXTON
Division Director

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

November 16, 2004

Berry Petroleum Company
Rt. 3, Box 3020
Roosevelt, UT 84066

Re: Moon Tribal 2-11-54 Well, 528' FNL, 1394' FEL, NW NE, Sec. 11,
T. 5 South, R. 4 West, Duchesne County, Utah

Gentlemen:

Pursuant to the provisions and requirements of Utah Code Ann. § 40-6-1 *et seq.*, Utah Administrative Code R649-3-1 *et seq.*, and the attached Conditions of Approval, approval to drill the referenced well is granted.

Appropriate information has been submitted to DOGM and administrative approval of the requested exception location is hereby granted.

This approval shall expire one year from the above date unless substantial and continuous operation is underway, or a request for extension is made prior to the expiration date. The API identification number assigned to this well is 43-013-32686.

Sincerely,

(for) John R. Baza
Associate Director

pab
Enclosures

cc: Duchesne County Assessor
Bureau of Land Management, Vernal District Office

Operator: Berry Petroleum Company

Well Name & Number Moon Tribal 2-11-54

API Number: 43-013-32686

Lease: 14-20-H62-4778

Location: NW NE Sec. 11 T. 5 South R. 4 West

Conditions of Approval

1. General

Compliance with the requirements of Utah Admin. R. 649-1 *et seq.*, the Oil and Gas Conservation General Rules, and the applicable terms and provisions of the approved Application for permit to drill.

2. Notification Requirements

Notify the Division within 24 hours of spudding the well.

- Contact Carol Daniels at (801) 538-5284.

Notify the Division prior to commencing operations to plug and abandon the well.

- Contact Dan Jarvis at (801) 538-5338

3. Reporting Requirements

All required reports, forms and submittals will be promptly filed with the Division, including but not limited to the Entity Action Form (Form 6), Report of Water Encountered During Drilling (Form 7), Weekly Progress Reports for drilling and completion operations, and Sundry Notices and Reports on Wells requesting approval of change of plans or other operational actions.

4. State approval of this well does not supersede the required federal approval, which must be obtained prior to drilling.

5. This proposed well is located in an area for which drilling units (well spacing patterns) have not been established through an order of the Board of Oil, Gas and Mining (the "Board"). In order to avoid the possibility of waste or injury to correlative rights, the operator is requested, once the well has been drilled, completed, and has produced, to analyze geological and engineering data generated therefrom, as well as any similar data from surrounding areas if available. As soon as is practicable after completion of its analysis, and if the analysis suggests an area larger than the quarter-quarter section upon which the well is located is being drained, the operator is requested to seek an appropriate order from the Board establishing drilling and spacing units in conformance with such analysis by filing a Request for Agency Action with the Board.

6. Compliance with the Conditions of Approval/Application for Permit to Drill outlined in the Statement of Basis. (Copy Attached)

007

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OCT 14 2004

APPLICATION FOR PERMIT TO DRILL, DEEPEN, OR PLUG BACK

1a. TYPE OF WORK

DRILL ☒

DEEPEN ☐

PLUG BACK ☐

b. TYPE OF WELL

Oil well ☒

Gas well ☐

OTHER

Single zone ☒

Multiple zone ☐

2. NAME OF OPERATOR

BERRY PETROLEUM COMPANY

43.013.32686

3. ADDRESS OF OPERATOR

1614 SOUTH 2000 WEST, RT. 3 BOX 3020, ROOSEVELT, UT. 84066

4. LOCATION OF WELL (Report location clearly and in accordance with any State requirements.)*

At surface

(NW/NE) 528' FNL, 1394' FEL

NAD 27

40.066756 LAT

110.298164 LONG

At proposed prod. zone

SAME AS ABOVE

14. DISTANCE IN MILES AND DIRECTION FROM NEAREST TOWN OR POST OFFICE*

28.9 MILES FROM MYTON, UTAH

15. DISTANCE FROM PROPOSED* LOCATION TO NEAREST PROPERTY OR LEASE LINE, FT.

(Also to nearest drlg. unit line, if any)

528'

16. NO. OF ACRES IN LEASE

640

17. NO OF ACRES ASSIGNED TO THIS WELL

40

18. DISTANCE FROM PROPOSED LOCATION* TO NEAREST WELL, DRILLING, COMPLETED OR APPLIED FOR, ON THIS LEASE. FT.

N/A

19. PROPOSED DEPTH

6240'

20. ROTARY OR CABLE TOOLS

ROTARY

21. ELEVATIONS (Show whether DF, RT, GR, etc.)

6103' GR

22. APPROX. DATE WORK WILL START*

REFER TO BPC SOP PLAN

23. PROPOSED CASING AND CEMENTING PROGRAM

SIZE OF HOLE	SIZE OF CASING	WEIGHT PER FOOT	SETTING DEPTH	QUANTITY OF CEMENT
REFER TO BERRY PETROLEUM COMPANY SOP'S DRILLING PROGRAM/CASING DESIGN				

OPERATOR REQUESTS PERMISSION TO DRILL THE SUBJECT WELL. PLEASE SEE THE ATTACHED CONDITIONS FOR APPROVAL.

IF YOU REQUIRE ADDITIONAL INFORMATION PLEASE CONTACT

EDDY COURTRIGHT
1614 SOUTH 2000 WEST
RT. 3 BOX 3020
ROOSEVELT, UTAH 84066

NOV 24 2004

BOND # UTB000035
DIV. OF OIL, GAS & MINING

OFFICE: (435)722-1325

CELLULAR: (435)823-1862

PLEASE KEEP THIS INFORMATION ON THIS WELL **CONFIDENTIAL**

IN ABOVE SPACE DESCRIBE PROPOSED PROGRAM. If proposal is to deepen or plug back, give data on present productive zone and proposed new productive zone. If proposal is to drill or deepen directionally give pertinent data on subsurface locations and measured and true vertical depths. Give blowout preventer program, if any.

24. SIGNED [Signature] TITLE Production & Regulatory Technician DATE 10/07/04

(This space for Federal or State office use)

PERMIT NO.

APPROVAL DATE

NOTICE OF APPROVAL

APPROVED BY [Signature]
CONDITIONS OF APPROVAL IF ANY

TITLE Assistant Field Manager
Mineral Resources

DATE 11/23/2004

*See Instructions On Reverse Side

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States and false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

CONDITIONS OF APPROVAL ATTACHED

754500454

CONDITIONS OF APPROVAL
APPLICATION FOR PERMIT TO DRILL

Company/Operator: Berry Petroleum Company

Well Name & Number: UTE TRIBAL 2-11-54

API Number: 43-013-32686

Lease Number: 14-20-H62-4778

Location: NWNE Sec. 11 TWN: 05S RNG: 04W

Agreement: N/A

For more specific details on notification requirements, please check the Conditions of Approval for Notice to Drill and Surface Use Program.

CONDITIONS OF APPROVAL FOR NOTICE TO DRILL

Approval of this application does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease, which would entitle the applicant to conduct operations thereon.

Submit an electronic copy of all logs run on this well in LAS format. This submission will replace the requirement for submittal of paper logs to the BLM.

Be aware fire restrictions may be in effect when location is being constructed and/or when well is being drilled. Contact the appropriate Surface Management Agency for information.

A. DRILLING PROGRAM

1. Casing Program and Auxiliary Equipment

As a minimum, the usable water and other valuable resources shall be isolated and/or protected by having a cement top for the production casing at least 200 ft. above the base of the usable water zone, identified at ± 400 ft.

2. Other Information

In the event after-hours approvals are necessary, please contact one of the following individuals:

Ed Forsman (435) 828 -7874 (CELL)
Petroleum Engineer

Kirk Fleetwood (435) 828 -7875 (CELL)
Petroleum Engineer

BLM FAX Machine (435) 781-4410

**SURFACE USE PROGRAM
CONDITIONS OF APPROVAL (COAs)**

Section 3 is Ute Tribal Lands that have to be crossed to get to the private lands in Sections 2 and 11.

Berry Petroleum Company (Berry) will assure the Ute Tribe that any/all contractors and subcontractors have acquired a current Tribal Business License and have updated "Access Permits" prior to construction. All Berry personnel, contractors and subcontractors will have these permits in their vehicles at all times. Companies that have not complied with this COA will be in violation of the Ute Tribal Business License Ordinance, and will be subject to fines and penalties.

Berry employees, representatives, and/or authorized personnel (subcontractors) shall not carry firearms on their person or in their vehicles while working on the Uintah and Ouray Indian Reservation.

Berry employees and/or authorized personnel (subcontractors) in the field will have approved applicable APDs and/or ROW permits/authorizations on their person(s) during all phases of construction. Operations of Berry Petroleum Company and/or its legal successors shall be conducted in accordance with the relevant landowner agreements and the BIA ROW grant for the project.

A corridor ROW, about 30 feet wide and 875 feet long, shall be used for the pipeline and for the new access road in Section 11. The proposed pad is also within Section 11. Operations in Section 11 shall be according to the landowner agreement with Elmer R. Moon Family Partnership.

A corridor ROW, about 30 feet wide and 3440 feet long shall be used for the pipeline, and about 800 feet of new access road and 2640 feet of existing road are within that ROW in Section 2. Operations in Section 2 shall be according to the landowner agreement with Lee H. Moon and Kathy Moon.

A corridor ROW, about 30 feet wide and 1012 feet long, has been granted by the BIA for the remainder of the pipeline route in Section 3. This pipeline segment is adjacent the existing road.

Production waters, oil, and other byproducts shall not be placed on access roads or the well pad.

Berry will control noxious weeds on the well site and ROWs. Berry will be responsible for noxious weed control if weeds spread from the project area onto adjoining land.

STATE OF UTAH
DIVISION OF OIL, GAS, AND MINING

SUNDRY NOTICES AND REPORTS ON WELLS

Do not use this form for proposals to drill new wells, deepen existing wells, or to re-enter plugged and abandoned wells.
Use APPLICATION FOR PERMIT TO DRILL OR DEEPEN form for such proposals.

1. Type of Well: OIL ☒ GAS ☐ OTHER:

2. Name of Operator:

BERRY PETROLEUM COMPANY

3. Address and Telephone Number:

3846 SOUTH HWY 40, RT. 2 BOX 7735 ROOSEVELT, UTAH 84066 (435) 722-1325

4. Location of Well:

Footages: 528' FNL, 1394' FEL

QQ, Sec., T., R., M.: NWNE SEC. 11, T5S, R4W USB&M

5. Lease Designation and Serial Number:

14-20-H62-4778 (E&D)

6. If Indian, Allottee or Tribe Name:

UTE TRIBE (MINERALS)

7. Unit Agreement Name:

8. Well Name and Number:

MOON TRIBAL 2-11-54

9. API Well Number:

43-013-32686

10. Field and Pool, or Wildcat:

WILDCAT

County: DUCHESNE,

State: UTAH

11. CHECK APPROPRIATE BOXES TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

NOTICE OF INTENT

(Submit in Duplicate)

- | | |
|--|---|
| <input type="checkbox"/> Abandon | <input type="checkbox"/> New Construction |
| <input type="checkbox"/> Repair Casing | <input type="checkbox"/> Pull or Alter Casing |
| <input type="checkbox"/> Change of Plans | <input type="checkbox"/> Recomplete |
| <input type="checkbox"/> Convert to Injection | <input type="checkbox"/> Reperforate |
| <input type="checkbox"/> Fracture Treat or Acidize | <input type="checkbox"/> Vent or Flare |
| <input type="checkbox"/> Multiple Completion | <input type="checkbox"/> Water Shut-Off |
| <input checked="" type="checkbox"/> Other ONE YEAR EXTENSION | |

Approximate date work will start

SUBSEQUENT REPORT

(Submit Original Form Only)

- | | |
|--|---|
| <input type="checkbox"/> Abandon | <input type="checkbox"/> New Construction |
| <input type="checkbox"/> Repair Casing | <input type="checkbox"/> Pull or Alter Casing |
| <input type="checkbox"/> Change of Plans | <input type="checkbox"/> Reperforate |
| <input type="checkbox"/> Convert to Injection | <input type="checkbox"/> Vent or Flare |
| <input type="checkbox"/> Fracture Treat or Acidize | <input type="checkbox"/> Water Shut-Off |
| <input type="checkbox"/> Other | |

Date of work completion

Report results of Multiple Completions and Recompletions to different reservoirs on WELL COMPLETION OR RECOMPLETION REPORT AND LOG form.

* Must be accompanied by a cement verification report.

12. DESCRIBE PROPOSED OR COMPLETED OPERATIONS (Clearly state all pertinent details, and give pertinent dates. If well is directionally drilled, give subsurface locations and measured and true vertical depths for all markers and zones pertinent to this work.)

BERRY PETROEUM COMPANY RESPECTFULLY REQUESTS THAT THE APPROVED APPLICATION
TO DRILL FOR THE ABOVE SUBJECT WELL BE EXTENDED FOR A PERIOD OF ONE (1) YEAR.

STATE BOND #RLB0005651

COPY SENT TO OPERATOR

Date: 01-04-06
Initials: CTR

Approved by the
Utah Division of
Oil, Gas and Mining

Date: 12-23-05
By: [Signature]

13

Name & Signature:

DEBBIE L. WISENER

Title:

PRODUCTION & REGULATORY TECHNICIAN

Date: 12/06/05

(This space for Federal or State office use)

RECEIVED

DEC 14 2005

DIV. OF OIL, GAS & MINING

**Application for Permit to Drill
Request for Permit Extension
Validation**

(this form should accompany the Sundry Notice requesting permit extension)

API: 43-013-32686
Well Name: MOON TRIBAL 2-11-54
Location: (NW/NE) 528' FNL, 1394' FEL SEC.11, T.5S.,R.4W.
Company Permit Issued to: BERRY PETROLEUM COMPANY
Date Original Permit Issued: 11/16/2004

The undersigned as owner with legal rights to drill on the property as permitted above, hereby verifies that the information as submitted in the previously approved application to drill, remains valid and does not require revision.

Following is a checklist of some items related to the application, which should be verified.

If located on private land, has the ownership changed, if so, has the surface agreement been updated? Yes ☐ No ☒

Have any wells been drilled in the vicinity of the proposed well which would affect the spacing or siting requirements for this location? Yes ☐ No ☒

Has there been any unit or other agreements put in place that could affect the permitting or operation of this proposed well? Yes ☐ No ☒

Have there been any changes to the access route including ownership, or right-of-way, which could affect the proposed location? Yes ☐ No ☒

Has the approved source of water for drilling changed? Yes ☐ No ☒

Have there been any physical changes to the surface location or access route which will require a change in plans from what was discussed at the onsite evaluation? Yes ☐ No ☒

Is bonding still in place, which covers this proposed well? Yes ☒ No ☐

Signature

12/6/2005

Date

Title: PRODUCTION & REGULATORY TECH

Representing: BERRY PETROLEUM COMPANY

RECEIVED

DEC 14 2005

DIV. OF OIL, GAS & MINING

(November, 1996)

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

SUNDRY NOTICES AND REPORTS ON WELLS

Do not use this form for proposals to drill or to re-enter an abandoned well. Use Form 3160-3 (APD) for such proposals

SUBMIT IN TRIPLICATE-Other Instructions on the reverse side

1. Type of Well

☒ Oil Well ☐ Gas Well ☐ Other _____

2. Name of Operator

Berry Petroleum Company

3. Address

4000 SOUTH 4028 WEST, RT. 2 BOX 7735
ROOSEVELT, UTAH 84066

3b. Phone No. (include area code)

(435) 722-1325

4. Location of Well (Footage, Sec., T., R., M., or Survey Description)

528' FNL, 1394' FEL
NWNE SEC. 11, T5S, R4W USB&M

FORM APPROVED

OMB No. 1004-0135

Expires: July 31, 1996

5. Lease Serial No.

14-20-H62-4778 (E&D)

6. If Indian, Allottee, or Tribe Name

UTE TRIBE (MINERALS)

7. If Unit or CA. Agreement Designation

8. Well Name and No.

MOON TRIBAL 2-11-54

9. API Well No.

43-013-32686

10. Field and Pool, or Exploratory Area

WILDCAT

11. County or Parish, State

DUCHESNE, UTAH

12. CHECK APPROPRIATE BOX(S) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

TYPE OF SUBMISSION

TYPE OF ACTION

☒ Notice of Intent

☐ Acidize

☐ Deepen

☐ Production (Start/Resume)

☐ Water Shut-off

☐ Subsequent Report

☐ Altering Casing

☐ Fracture Test

☐ Reclamation

☐ Well Integrity

☐ Casing Repair

☐ New Construction

☐ Recomplete

☒ Other **ONE YEAR**

☐ Change Plans

☐ Plug and Abandon

☐ Temporarily Abandon

EXTENSION

☐ Convert to Injection

☐ Plug Back

☐ Water Disposal

13. Describe Proposed or Completed Operation (clearly state all pertinent details including estimated starting date of any proposed work and approximate duration thereof.

If the proposal is to deepen directionally or recompleat horizontally, give subsurface locations and measured and true vertical depths or pertinent markers and sands.

Attach the Bond under which the work be will performed or provide the Bond No. on file with the BLM/BIA. Required subsequent reports shall be filed within 30 days

following completion of the involved operations. If the operation results in a multiple completion or recompleat in a new interval, a Form 3160-4 shall be filed once

testing has been completed. Final abandonment Notice shall be filed only after all requirements, including reclamation, have been completed, and the operator has

determined that the site is ready for final inspection.)

**BERRY PETROEUM COMPANY RESPECTFULLY REQUESTS THAT THE APPROVED APPLICATION
TO DRILL FOR THE ABOVE SUBJECT WELL BE EXTENDED FOR A PERIOD OF ONE (1) YEAR.**

ORIGINAL APPROVAL DATES

STATE: 11/16/2004

ONE YEAR EXTENSION DATE: 12/30/2005

**Approved by the
Utah Division of
Oil, Gas and Mining**

Date: 12-04-06

By: [Signature]

SENT TO OPERATOR
DATE: 12-4-06
TIME: pm

14. I hereby certify that the foregoing is true and correct.

Name (Printed/ Typed)

SHELLEY E. CROZIER

Title

REGULATORY & PERMITTING ASSISTANT

Signature

[Signature: Shelley E. Crozier]

Date

11/30/06

Approved by

Title

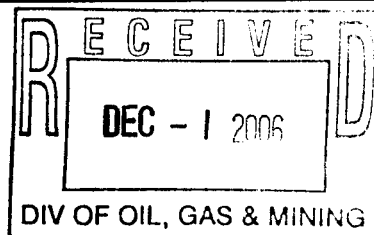
Date

Conditions of approval, if any are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

Office

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make any department or agency of the United States any false, fictitious fraudulent statements or representations as to any matter within its jurisdiction.

(Instructions on reverse)



STATE OF UTAH
DIVISION OF OIL, GAS, AND MINING

SUNDRY NOTICES AND REPORTS ON WELLS

Do not use this form for proposals to drill new wells, deepen existing wells, or to re-enter plugged and abandoned wells.
Use APPLICATION FOR PERMIT TO DRILL OR DEEPEN form for such proposals.

1. Type of Well: OIL ☒ GAS ☐ OTHER: _____

2. Name of Operator:

BERRY PETROLEUM COMPANY

3. Address and Telephone Number:

4000 SOUTH 4028 WEST, RT. 2 BOX 7735 ROOSEVELT, UTAH 84066 (435) 722-1325

4. Location of Well:

Footages: **528' FNL, 1394' FEL**

QQ, Sec., T., R., M.: **NWNE SEC. 11, T5S, R4W USB&M**

5. Lease Designation and Serial Number:

14-20-H62-4778 (E&D)

6. If Indian, Allottee or Tribe Name:

UTE TRIBE (MINERALS)

7. Unit Agreement Name:

8. Well Name and Number:

MOON TRIBAL 2-11-54

9. API Well Number:

43-013-32686

10. Field and Pool, or Wildcat:

WILDCAT

County: **DUCHESNE,**

State: **UTAH**

11. CHECK APPROPRIATE BOXES TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

NOTICE OF INTENT

(Submit in Duplicate)

- | | |
|---|---|
| <input type="checkbox"/> Abandon | <input type="checkbox"/> New Construction |
| <input type="checkbox"/> Repair Casing | <input type="checkbox"/> Pull or Alter Casing |
| <input type="checkbox"/> Change of Plans | <input type="checkbox"/> Recomplete |
| <input type="checkbox"/> Convert to Injection | <input type="checkbox"/> Reperforate |
| <input type="checkbox"/> Fracture Treat or Acidize | <input type="checkbox"/> Vent or Flare |
| <input type="checkbox"/> Multiple Completion | <input type="checkbox"/> Water Shut-Off |
| <input checked="" type="checkbox"/> Other ONE YEAR EXTENSION | |

Approximate date work will start _____

SUBSEQUENT REPORT

(Submit Original Form Only)

- | | |
|--|---|
| <input type="checkbox"/> Abandon | <input type="checkbox"/> New Construction |
| <input type="checkbox"/> Repair Casing | <input type="checkbox"/> Pull or Alter Casing |
| <input type="checkbox"/> Change of Plans | <input type="checkbox"/> Reperforate |
| <input type="checkbox"/> Convert to Injection | <input type="checkbox"/> Vent or Flare |
| <input type="checkbox"/> Fracture Treat or Acidize | <input type="checkbox"/> Water Shut-Off |
| <input type="checkbox"/> Other _____ | |

Date of work completion _____

Report results of Multiple Completions and Recompletions to different reservoirs on WELL COMPLETION OR RECOMPLETION REPORT AND LOG form.

* Must be accompanied by a cement verification report.

12. DESCRIBE PROPOSED OR COMPLETED OPERATIONS (Clearly state all pertinent details, and give pertinent dates. If well is directionally drilled, give subsurface locations and measured and true vertical depths for all markers and zones pertinent to this work.)

**BERRY PETROEUM COMPANY RESPECTFULLY REQUESTS THAT THE APPROVED APPLICATION
TO DRILL FOR THE ABOVE SUBJECT WELL BE EXTENDED FOR A PERIOD OF ONE (1) YEAR.**

STATE BOND #RLB0005651

**Approved by the
Utah Division of
Oil, Gas and Mining**

Date: 12-04-06
By: [Signature]

13

Name & Signature: SHELLEY E. CROZIER [Signature] Title: REGULATORY & PERMITTING ASSISTANT Date: 11/30/06

(This space for Federal or State office use)

**Application for Permit to Drill
Request for Permit Extension
Validation**

(this form should accompany the Sundry Notice requesting permit extension)

API: 43-013-32686
Well Name: MOON TRIBAL 2-11-54
Location: (NW/NE) 528' FNL, 1394' FEL SEC. 11-T5S-R4W
Company Permit Issued to: BERRY PETROLEUM COMPANY
Date Original Permit Issued: 11/16/2004

The undersigned as owner with legal rights to drill on the property as permitted above, hereby verifies that the information as submitted in the previously approved application to drill, remains valid and does not require revision.

Following is a checklist of some items related to the application, which should be verified.

If located on private land, has the ownership changed, if so, has the surface agreement been updated? Yes ☐ No ☒

Have any wells been drilled in the vicinity of the proposed well which would affect the spacing or siting requirements for this location? Yes ☐ No ☒

Has there been any unit or other agreements put in place that could affect the permitting or operation of this proposed well? Yes ☐ No ☒

Have there been any changes to the access route including ownership, or right-of-way, which could affect the proposed location? Yes ☐ No ☒

Has the approved source of water for drilling changed? Yes ☐ No ☒

Have there been any physical changes to the surface location or access route which will require a change in plans from what was discussed at the onsite evaluation? Yes ☐ No ☒

Is bonding still in place, which covers this proposed well? Yes ☒ No ☐

Shelley E. Crozier
Signature

11/30/2006
Date

Title: REG. & PERMITTING ASSISTANT

Representing: BERRY PETROLEUM COMPANY

STATE OF UTAH
DIVISION OF OIL, GAS, AND MINING

SUNDRY NOTICES AND REPORTS ON WELLS

Do not use this form for proposals to drill new wells, deepen existing wells, or to re-enter plugged and abandoned wells
Use APPLICATION FOR PERMIT TO DRILL OR DEEPEN form for such proposals.

1. Type of Well: OIL ☒ GAS ☐ OTHER:

2. Name of Operator:

BERRY PETROLEUM COMPANY

3. Address and Telephone Number:

4000 SOUTH 4028 WEST, RT. 2 BOX 7735 ROOSEVELT, UTAH 84066 (435) 722-1325

4. Location of Well:

Footages: 528' FNL, 1394' FEL

QQ, Sec., T., R., M.: NWNE SEC. 11, T5S, R4W USB&M

5. Lease Designation and Serial Number:

14-20-H62-4778 (E&D)

6. If Indian, Allottee or Tribe Name:

UTE TRIBE (MINERALS)

7. Unit Agreement Name:

8. Well Name and Number:

MOON TRIBAL 2-11-54

9. API Well Number:

43-013-32686

10. Field and Pool, or Wildcat:

WILDCAT

County: DUCHESNE,

State: UTAH

11. CHECK APPROPRIATE BOXES TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

NOTICE OF INTENT
(Submit in Duplicate)

- | | |
|--|---|
| <input type="checkbox"/> Abandon | <input type="checkbox"/> New Construction |
| <input type="checkbox"/> Repair Casing | <input type="checkbox"/> Pull or Alter Casing |
| <input type="checkbox"/> Change of Plans | <input type="checkbox"/> Recomplete |
| <input type="checkbox"/> Convert to Injection | <input type="checkbox"/> Reperforate |
| <input type="checkbox"/> Fracture Treat or Acidize | <input type="checkbox"/> Vent or Flare |
| <input type="checkbox"/> Multiple Completion | <input type="checkbox"/> Water Shut-Off |
| <input checked="" type="checkbox"/> Other ONE YEAR EXTENSION | |

Approximate date work will start

SUBSEQUENT REPORT
(Submit Original Form Only)

- | | |
|--|---|
| <input type="checkbox"/> Abandon | <input type="checkbox"/> New Construction |
| <input type="checkbox"/> Repair Casing | <input type="checkbox"/> Pull or Alter Casing |
| <input type="checkbox"/> Change of Plans | <input type="checkbox"/> Reperforate |
| <input type="checkbox"/> Convert to Injection | <input type="checkbox"/> Vent or Flare |
| <input type="checkbox"/> Fracture Treat or Acidize | <input type="checkbox"/> Water Shut-Off |
| <input type="checkbox"/> Other | |

Date of work completion

Report results of Multiple Completions and Recompletions to different reservoirs on WELL COMPLETION OR RECOMPLETION REPORT AND LOG form.

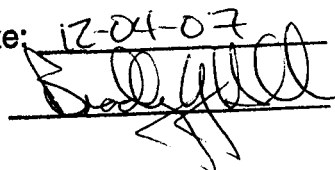
* Must be accompanied by a cement verification report.

12. DESCRIBE PROPOSED OR COMPLETED OPERATIONS (Clearly state all pertinent details, and give pertinent dates. If well is directionally drilled, give subsurface locations and measured and true vertical depths for all markers and zones pertinent to this work.)

BERRY PETROEUM COMPANY RESPECTFULLY REQUESTS THAT THE APPROVED APPLICATION
TO DRILL FOR THE ABOVE SUBJECT WELL BE EXTENDED FOR A PERIOD OF ONE (1) YEAR.

STATE BOND #RLB0005651

Approved by the
Utah Division of
Oil, Gas and Mining

Date: 12-04-07
By: 

13

Name & Signature:

SHELLEY E. CROZIER

Title:

REGULATORY & PERMITTING SPECIALIST

Date:

12/03/07

(This space for Federal or State office use)

COPY SENT TO OPERATOR
Date: 12/5/07
Initials: 

(See instructions on reverse Side)

RECEIVED

DEC 03 2007

DIV. OF OIL, GAS & MINING

**Application for Permit to Drill
Request for Permit Extension
Validation**

(this form should accompany the Sundry Notice requesting permit extension)

API: 43-013-32686
Well Name: MOON TRIBAL 2-11-54
Location: (NW/NE) 528' FNL, 1394' FEL, SEC. 11-T5S-R4W
Company Permit Issued to: BERRY PETROLEUM COMPANY
Date Original Permit Issued: 11/16/2004

The undersigned as owner with legal rights to drill on the property as permitted above, hereby verifies that the information as submitted in the previously approved application to drill, remains valid and does not require revision.

Following is a checklist of some items related to the application, which should be verified.

If located on private land, has the ownership changed, if so, has the surface agreement been updated? Yes ☐ No ☒

Have any wells been drilled in the vicinity of the proposed well which would affect the spacing or siting requirements for this location? Yes ☐ No ☒

Has there been any unit or other agreements put in place that could affect the permitting or operation of this proposed well? Yes ☐ No ☒

Have there been any changes to the access route including ownership, or right-of-way, which could affect the proposed location? Yes ☐ No ☒

Has the approved source of water for drilling changed? Yes ☐ No ☒

Have there been any physical changes to the surface location or access route which will require a change in plans from what was discussed at the onsite evaluation? Yes ☐ No ☒

Is bonding still in place, which covers this proposed well? Yes ☒ No ☐

Shelley E. Crozier
Signature

12/3/2007
Date

Title: Regulatory & Permitting Specialist

Representing: Berry Petroleum Company

RECEIVED
DEC 03 2007
DIV. OF OIL, GAS & MINING



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vernal Field Office
170 South 500 East
Vernal, UT 84078
(435) 781-4400 Fax: (435) 781-4410



IN REPLY REFER TO:

3160

UT08300

February 8, 2008

Shelley E. Crozier
Berry Petroleum Company
Route 2, Box 7735
Roosevelt, UT 84066

43-013-3 2680

Re: Notice of Expiration
Well No. Moon Tribal 2-11-54
NWNE, Sec. 11, T5S, R4W
Duchesne County, Utah
Lease No. 14-20-H62-4778 (E&D)

Dear Ms. Crozier:

The Application for Permit to Drill the above-referenced well was approved on November 23, 2004. A one (1) year extension request of the original APD received on December 13, 2005 was denied. A second extension request was received on November 30, 2007 was also denied. According to our records, no known activity has transpired at the approved location. In view of the foregoing, this office is notifying you that the approval of the referenced application has expired. If you intend to drill at this location in the future, a new Application for Permit to Drill must be submitted.

This office requires a letter confirming that no surface disturbance has been made for this drill site. Any surface disturbance associated with the approved location of this well is to be rehabilitated. A schedule for this rehabilitation must be submitted to this office. Your cooperation in this matter is appreciated.

If you have any questions regarding this matter, please contact me at (435) 781-4455.

Sincerely,

Cindy Severson

Cindy Severson
Land Law Examiner

cc: UDOGM – Diana Mason

RECEIVED
FEB 13 2008
DIV. OF OIL, GAS & MINING



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

February 10, 2009

Berry Petroleum Company
Rt. 2 Box 7735
Roosevelt, Utah 84066

Re: APD Rescinded – Moon Tribal 2-11-54, Sec.11, T.5S, R.4W
Duchesne County, Utah API No. 43-013-32686


Gentlemen:

The Application for Permit to Drill (APD) for the subject well was approved by the Division of Oil, Gas and Mining (Division) on November 16, 2004. On December 27, 2005, December 4, 2006 and on December 4, 2007 the Division granted a one-year APD extension. No drilling activity at this location has been reported to the division. Therefore, approval to drill the well is hereby rescinded, effective February 10, 2009.

A new APD must be filed with this office for approval prior to the commencement of any future work on the subject location.

If any previously unreported operations have been performed on this well location, it is imperative that you notify the Division immediately.

Sincerely,


Diana Mason
Environmental Scientist

cc: Well File
Bureau of Land Management, Vernal

